

Documents of German History

DOCUMENTS *of German History*

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To HANS KOHN
Guide—Colleague—Friend

Foreword

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This book seeks to provide in convenient form the texts of the more important documents and illustrative material on the general course of German history from its early days to the Bonn Republic. The collection includes the texts of constitutions, treaties, pacts, proclamations, speeches, letters, party programs, laws, court decisions, narrative descriptions, and many other items important in the historical development of Germany. Because of the space factor, some of the documents have been condensed or given in extract form, with an effort made to retain the essence of the source material.

The period before the Prusso-German symbiosis is treated in less detail than the modern era. The documents are presented chronologically. To widen the scope of a meaningful pattern, an attempt has been made to include items of political, economic, social, military, cultural, religious, intellectual, and psychological significance. The introductory notes are designed to give the historical background of each selection, showing the origin and importance of the document. The translations, unless otherwise noted, are by the editor. The appendix gives pertinent material not always easy of access.

I wish to express my warmest thanks to my good colleague, Dr Herbert Strauss, of the Juilliard School of Music and of the City College, for his valuable assistance in the later stages of production. I am also indebted to Mr. Rus Anderson for his painstaking attention to detail in the difficult assignment of producing the maps.

LOUIS L. SNYDER

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Contents

PART I : *From the Early Germans to the Reformation* 1

1 The Battle of the Teutoburg Forest, A.D. 9 3

- I A Contemporary Roman Version Paterculus on the Varus Battle,
August 9, A.D. 9 4
- II A German Historian's Version, 1816 6

2 The Early Germans 10

- Extracts from *The Germania*, A.D. 98 12

3 The Battle of Adrianople, 378 14

- Ammianus's Account 15

4 The Salic Law, c. 500 17

- Payment of the *Wergeld* 17

5 The Character and Deeds of Charlemagne 18

- Einhard's Description of Charlemagne 19

6 The Coronation of Charlemagne, 800 25

- I Account from *The Annals of Lauresheim* 26
- II Account from *Lives of the Roman Pontiffs* 26

7 The Strasbourg Oaths, 842 27

- Texts of the Oaths 28

8 The Treaty of Verdun, 843 28

- A Contemporary Account of the Treaty 29

9 The Treaty of Mersen, 870 29

- Preliminaries of the Treaty, 870 30

10 Rise of the German Towns 30

- Otto I's Grant of a Market to an Archbishop, 965 31

11	Canossa, 1077	31
	Gregory VII's Account of the Submission	33
12	The Bishop of Spire Grants a Charter to the Jews, 1084	34
	Text of the Charter	35
13	The Concordat of Worms, 1122	36
	I Text of Concessions Made by Pope Calixtus II	37
	II Text of Concessions Made by Henry V	37
14	Frederick II's Promises to Innocent III, 1213	38
	Letter from Frederick II to Innocent III	39
15	Frederick II and German Disunity, 1231-1232	39
	Frederick II's Statute in Favor of the Princes	40
16	Establishment of the Rhine League, 1254	42
	Extract from the Document Founding the Rhine League	43
17	The Hanseatic League	43
	A Decree of the League, c. 1260	44
18	The Golden Bull of Charles IV, 1356	45
	Extracts from the Golden Bull	46
19	The Peace of Stralsund, 1369-1370	49
	I Danish Council's Version of the Peace Terms, November 30, 1369	50
	II Another Extract, dated May 24, 1370	50
20	Founding of the University of Heidelberg, 1386	51
	Extracts from the Charter of Privileges for the University of Heidelberg, October, 1386	51
 PART II : <i>From the Reformation Through the Rise of Prussia</i>		
21	The Letters of Obscure Men, 1515-1517	57
	Example of <i>The Letters of Obscure Men</i> , 1517	58
22	The Personality of Martin Luther	59
	Luther on Henry VIII	60
23	The Ninety-Five Theses, 1517	61
	Extracts from Luther's <i>Ninety-Five Theses</i> , October 31, 1517	63

24	Luther's Three Treatises of 1520	66
	I <i>Address to the Christian Nobility of the German Nation Respecting the Reformation of the Christian Estate</i>	68
	II <i>The Babylonian Captivity of the Church</i>	72
	III <i>On Christian Liberty</i>	73
25	Luther Before the Diet of Worms, 1521	76
	I Luther's Journey to Worms	77
	II Luther's Reply to the Diet	77
	III Charles V's Speech	78
26	The Peasants' Revolt, 1525	79
	An Eyewitness Account	79
27	Post-Reformation Science	81
	The Miracle of the Golden Tooth, c. 1593	84
28	The Thirty Years' War, 1618–1648	85
	Destruction in the War	86
29	The Peace of Westphalia, 1648	87
	Opening of the Treaty of Osnabruck, October 24, 1648	87
30	German Trade and Industry in 1650	88
	Bernhard Erdmannsdörffer on Trade and Industry after the Thirty Years' War	89
31	The Brandenburgers' Petition Against Heavy Taxation, 1650	91
	Petition of the Estates at Berlin, 1650	91
32	Cromwell Congratulates the Great Elector	92
	Cromwell's Letter to the Great Elector, 1657	92
33	The Great Elector's Political Advice to His Son	93
	Frederick William's "Secret Letter to His Son," 1667	94
34	The Battle of Fehrbellin, 1675	95
	A Chronicler's Account of the Battle	95
35	The Great Elector Welcomes Huguenot Refugees	96
	Extract from Frederick William's Decree on Huguenot Refugees, 1685	97
36	Clement XI Protests Against the Royal Title, 1701	98
	Clement XI to Louis XIV, April 16, 1701	98
37	The Utrecht Settlement, 1713–1715	99
	Treaty Between France and Prussia, April 11, 1713	99

- 38 Frederick William I's Regiment of Giants 100**
 Petition by Nineteen Englishmen to Viscount Torrington,
 c 1730 101
- 39 The Education of Frederick the Great 102**
 I Extracts from Frederick William I's Instructions for His Son's
 Tutor, 1721 103
 II Letter from the Sixteen-Year-Old Frederick to His Father,
 1728 105
 III Frederick William's Reply 106
- 40 Frederick the Great and the Seven Years' War,
 1756–1763 106**
 Frederick's Address to His Generals Before the Victory of Leuthen,
 December 3, 1757 107
- 41 Bourgeois Life in the Middle of the Eighteenth Century 110**
 Gustav Freytag's Description of a Bourgeois Household in 1750 110
- 42 German Contributions to the Enlightenment 112**
 I Excerpts from Leibniz's *The Monadology*, 1714 113
 II Excerpts from Kant's *Critique of Pure Reason*, 1781 116
- 43 Frederick the Great on German Literature, 1780 118**
 De la Littérature allemande, 1780 118
- 44 The Last Years of Frederick the Great, 1764–1786 119**
 Afternoon and Evening of Frederick's Life 119
- 45 Lessing on Tolerance, 1789 120**
 Abridgment of *Nathan the Wise*, Act III, scene 5 121
- 46 Social Life of the German Nobility at the End of the
 Eighteenth Century 123**
 Freiherr von Eichendorff on the German Nobility 124
- 47 Schiller on Freedom, 1804 126**
 Excerpts from *Wilhelm Tell*, Act II 126

**PART III : *The War of Liberation and the
 Revolution of 1848* 129**

- 48 The Reform Edict of 1807 131**
 Extracts from the Prussian Reform Edict of October 9, 1807 132

49	Fichte's Addresses to the German Nation, 1807–1808	133
	Fichte on German Liberty	134
50	Turnvater Jahn and the Genesis of German Nationalism	135
	A Précis of Jahn's <i>Das deutsche Volkstum</i>	137
51	Poet of the War of Liberation: Ernst Moritz Arndt	143
	I "Where Is the German's Fatherland?"	144
	II "Patriotic Song"	146
52	The War of Liberation, 1813	148
	Arndt on the War of Liberation	148
53	Proclamation of King Frederick William III to His Troops, 1813	149
	Text of the Proclamation, Breslau, March 17, 1813	149
54	The German Confederation, 1815	150
	Extracts from the German Act of Confederation, June 8, 1815	151
55	The Wartburg Festival, 1817	154
	Eyewitness Account of the Festival	154
56	The Carlsbad Decrees, 1819	158
	Main Provisions of the Carlsbad Decrees	158
57	The Burschenschaft, 1820	160
	Extracts from Karl von Hase's Speech to the Youth of the Free Universities of Germany, October 18, 1820	161
58	The Zollverein, 1819, 1834	162
	I Excerpts from Friedrich List's <i>The National System of Political Economy</i>	162
	II The Zollverein Through British Eyes	166
	III Metternich on the Zollverein, June, 1833	168
59	The Death of Beethoven, 1827	169
	Anselm Huttenbrenner's Description of Beethoven's Last Moments, March 26, 1827	169
60	Goethe on Cosmopolitanism, 1830	170
	Extract from <i>Conversations with Goethe</i> , 1830	171
61	The Hambach National Festival, 1832	171
	Extracts from a Speech Delivered by Johann Wirth, May 27, 1832	172

- 62 Beginnings of the Revolution of 1848 in Southwest Germany 174**
 An Eyewitness Account 174
- 63 The Unsuccessful Revolution in Prussia, 1848 175**
 Frederick William IV's "Appeal to My Beloved Berliners,"
 March 19, 1848 176
- 64 The Frankfort National Assembly, 1848 177**
 I Opening of the German National Assembly, Frankfort on Main,
 May 18, 1848: Message from the Bund 178
 II Excerpts from the Speech by Heinrich von Gagern Before
 the Frankfort National Assembly 178
- 65 The Frankfort Constitution of 1849 179**
 Extracts from Section VI of the Frankfort Constitution 180
- 66 Frederick William IV Refuses the Imperial Crown, 1849 186**
 Text of the King's Refusal, May 15, 1849 186
- 67 The Prussian Constitution of 1850 187**
 I Frederick William IV's Speech on the Prussian Constitution 188
 II Extracts from the Prussian Constitution 190
- 68 The Social Force of Anti-Semitism, 1850 191**
 Extracts from Richard Wagner's *Judaism in Music* 192
- 69 Prussia's Humiliation at Olmütz, 1850 194**
 Text of the Convention of Olmutz, November 29, 1850 195
- 70 Social Conditions of the German Peasant 196**
 Observations of an American Tourist, 1858 197

PART IV : *The Era of Bismarck* 199

- 71 Bismarck's "Iron and Blood" Speech, 1862 201**
 Excerpt from the "Iron and Blood" Speech 202
- 72 The Problem of Schleswig-Holstein, 1864-1865 202**
 I Extracts from the Vienna Peace Pact, October 20, 1864 203
 II Extracts from the Convention of Gastein, August 14, 1865 204
- 73 The Austro-Prussian War, 1866 205**
 I William I's Summons to the Prussian People: "An mein Volk,"
 June 18, 1866 206
 II Extracts from the Treaty of Prague, August 23, 1866 208

- 74 The Prussian Indemnity Bill, 1866** 209
The Prussian Indemnity Law of September 14, 1866 210
- 75 The North German Confederation, 1867** 210
Extracts from a Speech by Heinrich von Sybel Before the
Constituent Assembly, 1867 211
- 76 The EMS Dispatch, July 13–14, 1870** 212
I Bismarck on the Ems Dispatch 213
II Original and Edited Versions of the Ems Dispatch 215
- 77 Beginning of the Franco-Prussian War, 1870** 216
I Extracts from Throne Speech by William I, King of Prussia,
at the Opening of the North German Reichstag, July 19, 1870 217
II King William I's Proclamation: "An das deutsche Volk,"
July 25, 1870 218
- 78 The French Capitulation, 1870** 219
I Exchange of Messages Between Napoleon III
and King William I 219
II Moritz Busch on the Surrender of Napoleon III,
September 2, 1870 220
- 79 The Founding of the Second Reich, 1871** 221
I The Imperial Proclamation, January 18, 1871 222
II Excerpts from the Peace of Frankfurt, May 10, 1871 223
- 80 The Constitution of the German Empire, 1871** 225
Extracts from the Constitution 226
- 81 War Against the Catholic Church: The *Kulturkampf*,
1872–1878** 231
Law Concerning the Order of the Society of Jesus, July 4, 1872 232
- 82 The Three Emperors' Conferences, 1872–1873** 232
Bismarck on the Three Emperors' Conferences, 1872 233
- 83 The Anti-Socialist Laws, 1878** 234
Extracts from the Anti-Socialist Law of October 21, 1878 235
- 84 The Treaty of Berlin, 1878** 236
Extracts from the Treaty of Berlin 237
- 85 From Free Trade to Protection, 1879** 239
Extracts from a Speech by Bismarck Before the German Reichstag,
May 2, 1879 240
- 86 The Bismarckian Treaty System: The Dual Alliance, 1879** 242
Text of the Treaty of Alliance Between Austria-Hungary and
Germany, October 7, 1879 242

87	Bismarck on Social Reform, 1881	244
	Bismarck's Speech on the Draft Bill for Insurance Against Accidents, of 1881	244
88	The Three Emperors' League, 1881	247
	Text of the Three Emperors' League and Separate Protocol to the Convention of Berlin, June 18, 1881	247
89	The Triple Alliance, 1882	250
	Text of the Triple Alliance	250
90	The Beginning of German Colonialism, 1882–1885	252
	I Extract from a Letter of the Consul at The Hague, Count Herbert Bismarck, to Lord Granville, 1884	253
	II Précis of Bismarck's Speech to the Reichstag on German Colonial Policy, June 23, 1884	254
	III Imperial Letter of Safe-Conduct for the Society for German Colonization, February 25, 1885	255
91	The Reinsurance Treaty, 1887	256
	Text of the Treaty	256
92	Heinrich von Treitschke and Prussian Historiography	258
	Excerpts from Treitschke's Works	259
 PART V : <i>The Era of William II</i> 263		
93	Bismarck's Dismissal, 1890	265
	I The Cabinet Order of 1890	266
	II Excerpts from Bismarck's Letter of Resignation, March 18, 1890	266
	III William II's Suspension of the Order of 1890	268
94	William II and German Education, 1890	269
	William II on Reforming the German System of Education	269
95	The Pan-German League, 1891	270
	I Constitution of the Pan-German League	271
	II Policies of the Pan-German League	272
96	The Erfurt Program of the Social Democratic Party, 1891	273
	Extracts from the Erfurt Program, October 14–21, 1891	274
97	The "Ulrich Letter," 1892	276
	Text of the "Ulrich Letter," June 9, 1892	277

- 98 The Kruger Telegram, 1896 278**
 Text of the Telegram: William II to Paul Kruger,
 January 3, 1896 278
- 99 The German Village at the End of the
 Nineteenth Century 279**
 Robert Mielke's Commentary on the Decline of the German
 Village 279
- 100 German Naval Legislation, 1900 281**
 Extracts from the Memorandum Appended to the German
 Navy Bill, 1900 282
- 101 Björkö: The "Willy-Nicky" Correspondence,
 1904-1905 284**
 I Emperor William II to Emperor Nicholas II, Telegram,
 October 27, 1904 285
 II Emperor Nicholas II to Emperor William II,
 October 29, 1904 286
 III Emperor William II to Emperor Nicholas II,
 October 30, 1904 287
 IV Final Text of the Bjorko Treaty, July 24, 1905 287
- 102 William II's Visit to Tangiers, March, 31, 1905:
 The First Moroccan Crisis 288**
 Report by von Schoen, March 31, 1905 289
- 103 The Schlieffen Plan, 1905 290**
 Review of the Schlieffen Plan 291
- 104 The Daily Telegraph Interview, 1908 294**
 Text of the Interview, October 28, 1908 296
- 105 The Zabern Affair, 1913 300**
 Extracts from the Speech of the Imperial Chancellor, von Bethmann-
 Hollweg, Before the Reichstag, December 3, 1913 301
- 106 German Industrial Conditions Before 1914 304**
 Account by J. Ellis Barker 305
- 107 The "Blank Check," July 6, 1914 309**
 Telegram from the Imperial Chancellor, von Bethmann-Hollweg, to
 the German Ambassador at Vienna, Tschirschky, July 6, 1914 310
- 108 Austrian Ultimatum and Serbian Answer, 1914 311**
 Text from the German White Book, July 23-25, 1914 312

- 109 **The Pledge Plan, July 28, 1914** 326
Telegram from the Imperial Chancellor, von Bethmann-Hollweg, to
the German Ambassador at Vienna, Tschirschky, July 28, 1914 327
- 110 **The "Scrap of Paper" Incident, 1914** 331
Origin of the Phrase, "A Scrap of Paper," August 4, 1914 332
- 111 **The Invasion of Belgium, 1914** 335
Richard Harding Davis's Report on the German Invasion of Belgium,
August, 1914 335
- 112 **Bethmann-Hollweg's Defense of the Invasion of
Belgium, 1914** 337
Speech of the Imperial Chancellor von Bethmann-Hollweg,
Before the German Reichstag, August 4, 1914 338
- 113 **The Hostage System in Belgium, 1914** 341
German Military Proclamations in Belgium, 1914 342
- 114 **William II's Proclamation to His Eastern Army, 1914** 343
Extract from the Proclamation 344
- 115 **The "Hasslied," 1914** 344
"A Chant of Hate Against England" 345
- 116 **Gerhart Hauptmann's Apologia for Germany, 1914** 346
Letter from Gerhart Hauptmann to Romain Rolland,
October, 1914 347
- 117 **The Sinking of the *Lusitania*, May 7, 1915** 348
I The First German Note on the *Lusitania*, May 28, 1915 349
II The Second German *Lusitania* Note, July 8, 1915 352
- 118 **Defense of the German Cause in World War I** 356
Manifesto of the German Intellectuals, 1914 357
- 119 **The Execution of Nurse Edith Cavell, 1915** 358
I Description by a German Chaplain 359
II Description by a German Doctor 360
- 120 **The Zimmermann Note, 1917** 360
Text of the Zimmermann Note, January 19, 1917 361
- 121 **The Reichstag Peace Resolution, 1917** 361
Text of the Resolution, July 19, 1917 362
- 122 **The Treaty of Brest-Litovsk, 1918** 362
Text of the Brest-Litovsk Treaty between Russia and Germany,
Austria-Hungary, Bulgaria, and Turkey, March 3, 1918 363

- 123 Demands by the Social Democrats, 1918 367**
 Ultimatum by the Social Democrats, November 8, 1918 367
- 124 The Armistice, November 11, 1918 368**
 The Armistice Demands, November 10, 1918 368
- 125 The Flight and Abdication of William II, 1918 369**
 I William II's Flight As Reported by a German Newspaperman 370
 II Abdication Proclamation of William II, November 28, 1918 372
- 126 The Failure of the Extreme Left in the German Revolution, 1918-1919 373**
 Text of the Spartacus Manifesto 374
- 127 The Treaty of Versailles, 1919 376**
 Extracts from Military, Naval, and Air Clauses 378
- PART VI : *The Weimar Republic* 383**
- 128 The Weimar Constitution, 1919 385**
 Extracts from the Constitution of the German Republic,
 August 11, 1919 386
- 129 The Birth of the National Socialist Movement, 1920 392**
 The Twenty-Five Points of the German Workers' Party, 1920 393
- 130 The Problem of Reparations, 1922-1923 396**
 Extract from the Reparations Commission's Declaration of German
 Default, December 26, 1922 396
- 131 The Locarno Pact, 1925 397**
 Treaty of Mutual Guarantee Between Germany, Belgium, France,
 Great Britain, and Italy, October 16, 1925 398
- 132 Neutrality Agreement Between Germany and the U.S.S.R., 1926 402**
 Text of the Treaty Between Germany and the U.S.S.R.,
 April 24, 1926 403
- 133 Germany's Entrance into the League of Nations, 1926 404**
 Extracts from an Address by Dr. Gustav Stresemann Before the
 Assembly of the League of Nations, September 10, 1926 404
- 134 The Glorification of War, 1927-1940 408**
 I Draft for a Student Composition on the Advantages of War,
 1927 409
 II Poems from First-Year Readers, 1940 409

PART VII :	<i>The National Socialist Dictatorship</i>	411
135	The Nature of Nazi Propaganda, 1930	413
	A Goebbels' Propaganda Pamphlet, 1930	414
136	The "Horst Wessel Song," 1930	416
	Text of the "Horst Wessel Song"	417
137	The Burning of the Reichstag, February 27, 1933	418
	Account in the <i>Frankfurter Zeitung</i> , March 1, 1933	418
138	Law for the Reorganization of the Reich, 1934	420
	Text of the Law, January 30, 1934	421
139	Hindenburg's Political Testament, 1934	421
	Extracts from the Testament, May 11, 1934	422
140	Union of the Offices of Reich President and Chancellor, 1934	423
	Law Concerning the Head of the Reich, August 1, 1934	424
141	The Nuremberg Laws on Citizenship and Race, 1935	424
	I The Reich Citizenship Law of September 15, 1935	425
	II First Supplementary Decree of November 14, 1935	425
	III The Law for the Protection of German Blood and Honor, September 15, 1935	427
142	Thomas Mann on the National Socialist State, 1936	428
	Thomas Mann's Communication to the University of Bonn, 1936	429
143	Literature in National Socialist Germany, 1937-1942	433
	I Excerpts from <i>Red Army: Red World Revolution: Red Imperialism</i> (1937)	434
	II Excerpts from <i>England: Leader of the Bourgeois World</i> (1940)	435
	III Excerpts from <i>America: The Land Without a Heart</i> (1943)	436
144	The Munich Agreement, 1938	437
	Text of the Agreement Concluded at Munich, September 29, 1938	438
145	German Demands on Poland, 1939	439
	Extracts from Speech by Hitler to the Reichstag, April 28, 1939	440
146	Hitler on England, 1939	442
	I Excerpts from Speech by Hitler to the Reichstag, April 28, 1939	443
	II Excerpts from the Minutes of a Secret Conference of Hitler and the German Army Chiefs, May 23, 1939	445

- 147 The Russo-German Nonaggression Pact, 1939 447**
 Text of the Treaty of Nonaggression Between Germany and the
 U.S.S.R., August 23, 1939 448
- 148 The German Case in World War II 449**
 Speech by the Führer to the Reichstag, September 1, 1939 449
- 149 The Hostage System in Poland, 1939 456**
 News Report on the Execution of Ten Saboteurs,
 October 23, 1939 456
- 150 The Occupation of Poland, 1939–1940 457**
 Decree for the Establishment of the Institute for German Eastern
 Work in Poland, April 19, 1940 458
- 151 The Berlin-Rome-Tokio Axis, 1940 458**
 Text of the Treaty of Berlin, September 27, 1940 459
- 152 War Song Against England, 1940 460**
 “Bombs on England,” 1940 460
- 153 The Policy of Genocide, 1942 461**
 Execution of the Jews at Dubno, October 5, 1942 462
- 154 The Battle of Propaganda, 1944 464**
 Propaganda Leaflets, 1944 465
- 155 The Yalta Declaration, 1945 466**
 Occupation and Control of Germany: Extract from the Yalta
 Declaration, February 12, 1945 466
- 156 JCS/1067: The United States Military Government
 of Germany, April, 1945 467**
 Excerpts from the Directive to Commander-in-Chief of United States
 Forces of Occupation Regarding the Military Government of
 Germany, April, 1945 468
- 157 Adolf Hitler’s Will and Political Testament, 1945 475**
 I Hitler’s Private Will and Testament, April 29, 1945 476
 II Hitler’s Political Testament, April 29, 1945 477
 III Appendix to the Führer’s Personal Testament,
 by Dr. Joseph Goebbels 480
- 158 The Dönitz Government, 1945 481**
 I Hamburg Radio Broadcast, May 1, 1945 481
 II Admiral Dönitz’s “Order of the Day,” May 1, 1945 482
- 159 The Act of Military Surrender, May 7, 1945 482**
 Text of the Act of Military Surrender, May 7, 1945 483

160	The Potsdam Declaration, 1945	484
	Extracts from the Potsdam Declaration, August 2, 1945	485
PART VIII : <i>Germany After World War II</i> 493		
161	The Nuremberg Verdicts, 1946	495
	Extracts from the Nuremberg Judgments, 1946	496
162	The Bonn Constitution, May 23, 1949	499
	Complete Text of the Basic Law for the Federal Republic of Germany, with Amendments	500
163	Constitution of East Germany, October 7, 1949	538
	Complete Text of the Constitution of East Germany	540
164	Higher Education in East Germany, 1952	565
	A U.S. Intelligence Report	565
165	Soviet Declaration of End of War with Germany, 1955	568
	Text of the Ukase, January 25, 1955	568
166	Economic Recovery Since World War II	569
	I The Ruhr—Industrial Heart of Europe, April 1, 1956	570
	II Chancellor Konrad Adenauer on German Economic Ties with the West, March 24, 1957	573
167	The Four-Power Berlin Declaration on German Unity, 1957	576
	Text of the Four-Power Statement on German Unity, July 29, 1957	577
	<i>Appendices</i>	581
1	Recommended Reading	583
2	Selected Chronology of German History	587
3	The Rulers of Germany	593
4	German Chancellors, 1919–1933	596
5	German Foreign Ministers, 1919–1933	597
6	Area, Population, and Density of German States, 1933	598
7	Comparative Population Data for Chief European Countries, 1941	599

8	Density of Agricultural Population in European Countries, 1939	599
9	German Cities with Over 350,000 Population, 1933	600
10	Population of German Cities, 1957	600
11	Foundation Years of German Universities	602
12	German Colonies and Protectorates in 1911	602
13	West German Trade, 1948–1951	603
14	Gold Reserves of Germany, 1930–1955	604

<i>Index</i>	635
--------------	------------

Maps

Migrations and Invasions 8–9

Europe and the Carolingian Empire About 814 22–23

The Germanies at the Reformation, 1547 82–83

Growth of Prussia, 1545–1806 108–109

The German Confederation, 1815–1866 182–183

The Unification of Germany, 1866–1871 228–229

Europe and Germany, 1871–1914 328–329

The Weimar Republic, 1919–1933 406–407

Hitler's Annexations Before World War II 452–453

Contemporary Germany 574–575

PART I

*From the Early
Germans to the
Reformation*

1 The Battle of the Teutoburg Forest, A.D. 9

At the death of Caesar, Rome was near the zenith of her power, ruling all the Mediterranean region, save Egypt. She now turned her attention beyond the Rhine and Danube rivers. Here the Germans rebelled against Roman taxation. In A.D. 9, three Roman legions were destroyed in the dense Teutoburg Forest just south of Osnabrück. The disaster caused panic in Rome and forced the Romans to withdraw their frontier from the Elbe to the Rhine.

The Battle of the Teutoburg Forest (*Saltus Teutoburgiensis*), in which the Roman Governor, P. Quintilius Varus, was defeated by Arminius (17 B.C.—A.D. 21), was of immense importance in the rise of the German nationality, for it resulted in the main subdivisions of the peoples in northern Europe. The people west of the Rhine adopted, in the main, Roman ideas and Romance languages; those east of the Rhine maintained Teutonic laws and languages.

Arminius became a great German national hero. The Arminius themes—"Rather death than slavery!" and "In unity there lies strength!"—have been treated one hundred and thirty times in German literature.* Arminius is portrayed as the shining hero

* See Richard Kuehnemund, *Arminius, or the Rise of a National Symbol in Literature* (Chapel Hill, North Carolina, 1953), for an excellent evaluation of the Arminius and Varus battle themes in patriotic German literature.

and liberator, who was finally and undeservedly struck down by his envious, scheming kin.

Our best source for the Battle of the Teutoburg Forest is the brief but illuminating contemporary report by Gaius Velleus Paterculus (c. 19 B.C.–A.D. 31) in his *Roman History*. His description, reprinted below, may be compared with the second selection from the work of a popular German historian in the early nineteenth century, Friedrich Kohlrausch, which has remained the conventional German interpretation of the momentous battle.

I A Contemporary Roman Version: Paterculus
on the Varus Battle, August 9, A.D. 9 *

cxvii. Caesar had but just concluded the war in Pannonia and Dalmatia, when, within five days after the final determination of it, mournful news arrived from Germany; that Varus was killed, three legions cut to pieces, as many troops of cavalry, and six cohorts. . . .

The occasion, and the character of the leader, demand some attention. Quintilius Varus was born of a noble rather than illustrious family, was of a mild disposition, of sedate manners, and being somewhat indolent as well, in body as in mind, was more accustomed to ease in a camp than to action in the field. How far he was from despising money, Syria, of which he had been governor, afforded proof; for, going a poor man into that rich province, he became a rich man, and left it a poor province. Being appointed commander of the army in Germany, he imagined that the inhabitants had nothing human but the voice [he thought them mere brutes] and limbs, and that men who could not be tamed by the sword, might be civilized by law. With this notion, having marched into the heart of Germany, as if among people who delighted in the sweets of peace, he spent the summer in deciding controversies, and ordering the pleadings before a tribunal.

cxviii. But those people, though a person unacquainted with them would hardly believe it, are, while extremely savage, exquisitely artful, a race, indeed, formed by nature for deceit; and, accordingly, by introducing fictitious disputes one after another, by sometimes prosecuting each other for pretended injuries, and then returning thanks for the decision of these suits by Roman equity, for the

* Gaius Velleus Paterculus, *Roman History*, translated by John Selby Watson (New York, 1881), Bk. II, pp 511–514.

civilization of their barbarous state by this new system, and for the determination by law of disputes which used to be determined by arms, they at length lulled Quintilius into such a perfect feeling of security, that he fancied himself a city praetor dispensing justice in the forum, instead of the commander of an army in the middle of Germany.

It was at this time that a youth of illustrious birth, the son of Segimer, prince of that nation, named Arminius, brave in action, quick in apprehension, and of activity of mind far beyond the state of barbarism, showing in his eyes and countenance the ardor of his feelings (a youth who had constantly accompanied our army in the former war, and had obtained the privileges of a Roman citizen, and the rank of a knight), took advantage of the general's indolence to perpetrate an act of atrocity, not unwisely judging that no man is more easily cut off than he who feels no fear, and that security is very frequently the commencement of calamity. He communicated his thoughts at first to a few, and afterward to more, stating to them, and assuring them, that the Romans might be cut off by surprise; he then proceeded to add action to resolution, and fixed a time for carrying a plot into action. Notice of this intention was given to Varus by Segestes, a man of that nation, worthy of credit, and of high rank; but fate was not to be opposed by warnings, and had already darkened the mental vision of the Roman general. . . . Varus refused to credit the information, asserting that he felt a trust in the good will of the people, proportioned to his kindness toward them. However, after this first premonition, there was no time left for a second.

CXXIX. The circumstances of this most dreadful calamity, than which none more grievous ever befell the Romans in a foreign country, since the destruction of Crassus in Parthia, I will endeavor to relate in my larger history, as has been done before. At present we can only lament the whole. An army unrivaled in bravery, the flower of the Roman troops in discipline, vigor, and experience in war, was brought, through the supineness of its leader, the perfidy of the enemy, and the cruelty of Fortune, into a situation utterly desperate (in which not even an opportunity was allowed the men of extricating themselves by fighting, as they wished, some being even severely punished by the general, for using Roman arms with Roman spirit), and, hemmed in by woods, lakes, and bodies of the enemy in ambush, was entirely cut off by those foes whom they had ever before slaughtered like cattle, and of whose life and death the mercy or severity of the Romans has always been the arbitrator.

The leader showed some spirit in dying, though none in fighting;

for, imitating the example of his father and grandfather, he ran himself through with his sword. Of two prefects of the camp, Lucius Eggius gave as honorable an example of valor as Ceionius gave of baseness; for, after the sword had destroyed the greater part of the army, Ceionius advised a surrender, choosing to die by the hand of an executioner rather than in battle. Numonius Vala, a lieutenant-general under Varus, who in other cases conducted himself as a modest and well-meaning man, was on this occasion guilty of abominable treachery; for, leaving the infantry uncovered by the cavalry, he fled with the horse of the allies, and attempted to reach the Rhine. Fortune took vengeance on his misdeed; for he did not survive his deserted countrymen, but perished in the act of desertion. The savage enemy mangled the half-burned body of Varus; his head was cut off, and brought to Marobodus, and being sent by him to Caesar, was at length honored with burial in the sepulcher of his family.

II A German Historian's Version, 1816 *

Quintilius Varus, who became Roman Governor in Germany in the autumn of the year 6, was a man of weak mind, who was more adapted for the occupations of peace than of war, besides which he was addicted to avarice. The Germans, to this weak-minded man, appeared thoroughly subjected, because they were tranquil, and he endeavored to fix slavery among them by certain gentle but effective means, which are more pernicious and destructive than the power of the sword, because they assume an innocent garb. He sat in judgment upon the Germans, as among Romans; decided upon the freedom and property of the Germans. And the Roman lawyers, instead of the straightforward and simple German custom, sought to introduce the subtle and perplexing arts of Roman jurisprudence.

Varus, however, had much miscalculated when he supposed the rude Germans were insensible to these cunning arts. The understanding of uncultivated nations is keenly alive to those who wish to enclose them within nets, and the Germans were supplied by nature with a healthy mind and good discernment. They quickly perceived the source and central point of ruin, and they were beyond all things filled with an inward rage at the view of the lictors' rods or fasces of

* Adapted from Friedrich Kohlrausch, *A History of Germany*, translated by James D. Haas (New York, 1859), pp. 54-57. The German text, originally published 1816, enjoyed great popularity in German schools.

the Roman governor, which were the attributes of his power of awarding corporal punishment, or even death itself.

It was Rome itself that was chosen to nurture and bring up to maturity the savior of German freedom. This was Arminius (whom we are accustomed to call Hermann), the son of Segimer, prince of the Cherusci; a youth of valiant heart and arm, of a clear, quick mind, whose eyes proclaimed the fires of his soul. By distinguished military service he had acquired the right and dignity of a Roman citizen and knight, and had returned to his country well instructed and practiced in all the arts of war and peace. He here perceived the disgrace and ruin which was being prepared for his native country; and his mind pondered upon the great means of remedy. He speedily discovered a similar feeling to reign among the noblest of the Cherusci and the neighboring tribes; his inflaming word inspired their courage; they prepared the grand blow of deliverance, and in order to destroy the Romans the more securely, they enticed Varus by a planned rebellion to the frontiers, still farther away from the Rhine, into the depths of the Teutoburg Forest, which flanked the districts toward the Weser.

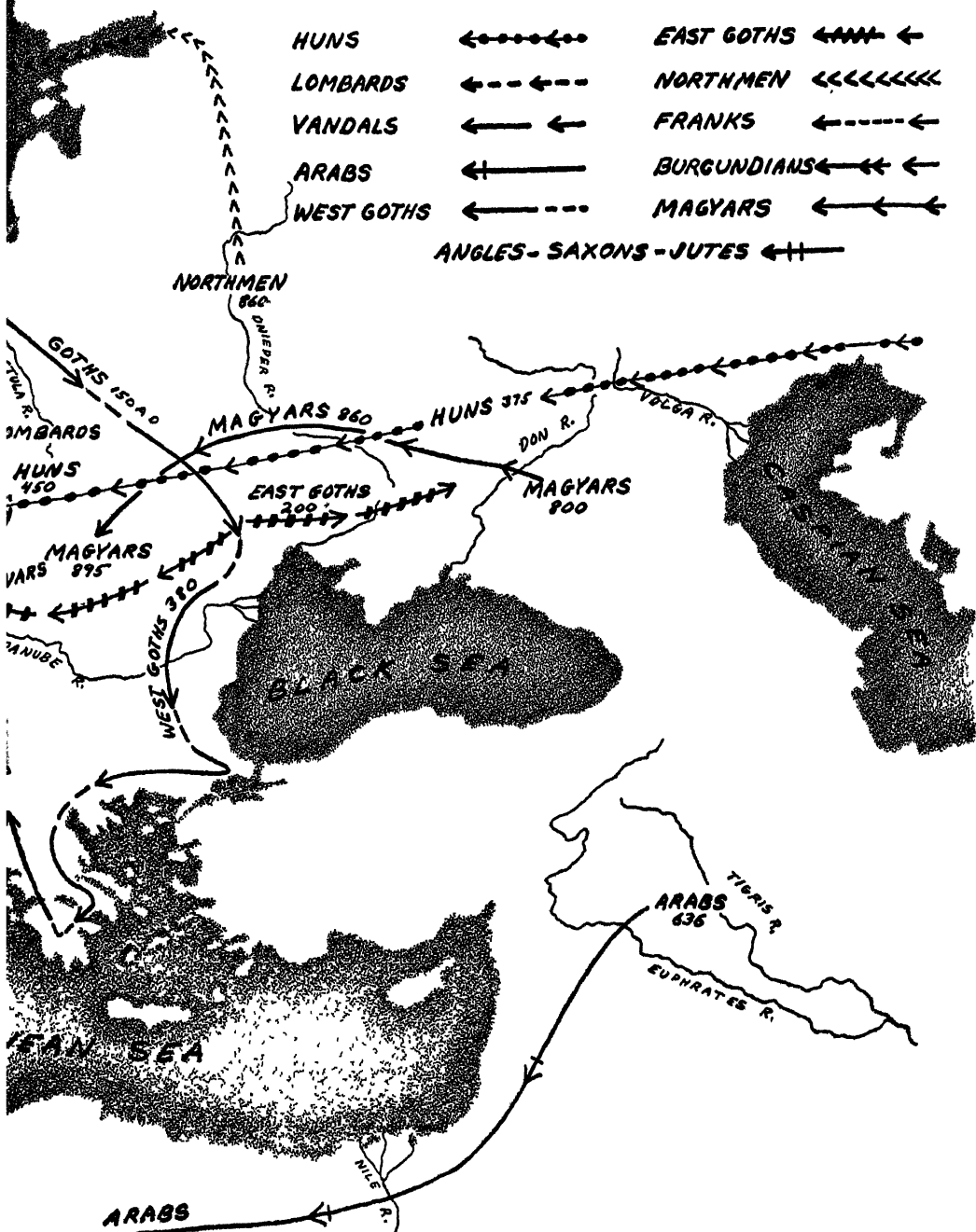
Varus advanced deep into the forest, where there are on all sides mountains and narrow valleys. Nowhere around was there a beaten path visible, nothing but a thickly grown and impenetrable wood. Trees had to be hewn, pits and morasses filled up, and bridges built. It was in the stormy autumn season—the month of September; heavy rains had made the ground slippery and every step unsafe, while the tempest roared at the summits of the oaks. Warriors, beasts of burden, loaded with baggage and munitions, all passed heedlessly on, as in perfect security.

Amidst these terrors of nature, appeared suddenly on all sides, occupying the heights, the Germans as foes, hurling forth their destructive weapons against the compressed masses of Romans. These could but little defend themselves in their heavy armor, upon a slippery ground, and with arms which were spoiled for use by the continued rain. They, however, continued their course under continual attacks, and arrived in the evening at a spot where a camp might be constructed. Fatigued as they were, they nevertheless exerted their utmost powers to raise defenses which should keep the enemy off, in order to provide themselves with at least one quiet night, were it even to be their last. Thus they awaited the dawn of day between hope and fear.

In the morning every thing unnecessary was burnt; the soldiers were thereby made lighter for battle, and the baggage was also diminished; this, together with the women and children, they placed in their



MIGRATIONS AND INVASIONS



center, and commenced their retreat. Many of the most valiant Romans sank beneath the wrathful, and increasingly emboldened attacks of the Germans.

In this desperate situation night appeared a second time, and they again endeavored to construct defenses. But the attacking enemy, with his cries of victory, left them no time, and then, when heaven and earth, seemed to oppose them, and there was no hope of salvation, the courage of the bravest sank. Varus, seeing now that all was lost, and having already received several wounds, cast himself upon his sword; many of the leaders followed his example, while the whole army was either made prisoner or killed, very few escaping.

Thus was annihilated the finest and most valiant of the Roman armies, with the auxiliaries, forty thousand men strong. This was the hour of the heaviest retaliation that was to be expected, one day or another, from the fury of a severely oppressed, freedom-loving, but still savage people. Many of the most distinguished prisoners bled as sacrifices upon the altars of the native divinities; others, who retained their lives, were used for the most degrading services; several of these distinguished prisoners, to whom at home the gates of entrance into the senate were open, concluded their miserable lives as the herdsmen of German flocks, or as the keepers or porters of German gates.

The opinion of all is unanimous and fixed, and it is confirmed by the confession of the Romans themselves, that our Fatherland owes its freedom to this great victory in the Teutoburg Forcst; and we, the descendants of those races, are indebted to it for the unmixed German blood which flows in our veins, and for the pure German sounds pronounced by our tongue. But in Rome there was universal alarm and mourning. The Emperor Augustus was beside himself; in his fury he struck his head against the wall, and constantly exclaimed: "Oh, Varus, Varus, restore me my legions!"

2 The Early Germans

The area of Germany is split up more than any other European country by numerous mountain ranges, valleys, plateaus, ridges, bays, lakes, and rivers. The north European plain is intersected by four rivers—the Rhine, the Elbe, Oder, and Vistula. Geo-

graphically the heartland of central Europe, Germany has never had well-defined frontiers. Whereas the British are identified with a great island, the Italians with a peninsula, and the French with sharp seacoast boundaries, the Germans have had artificial and impermanent frontiers. In the course of centuries, German boundaries have alternately expanded and contracted like bellows in reaction to war, colonization, purchase, exchange, and royal marriage. The result of this confusing geographical fragmentation may be seen in the unique development of German history.

We know very little about the early people who inhabited this area. The peoples of Gaul had reached a high plane of material culture by the first century before Christ, but the Teutonic ancestors of contemporary Germans were still nomadic barbarians. In 55 and 53 B.C. Julius Caesar made two brief expeditions across the Rhine to compel the Germans to remain on their side of the river. In his *Commentaries on the Gallic War* (51 B.C.) he gave us some slender but valuable information about their military qualities, religion, and system of land tenure.

A hundred and forty-two years after Caesar, Tacitus (A.D. 54–119), who is generally credited with being the greatest of Roman historians, published a small treatise in elegant Latin, *On the Origin, Location, Manners, and Inhabitants of Germany*, which we now know as *The Germania* and which has become the standard Roman work on the early Germans. There is no evidence that Tacitus himself traveled through the country north of the Rhine and Danube; it is probable that he obtained his material from Roman merchants and officials stationed at the borders. The first twenty-seven chapters of *The Germania* discussed the Germans in general—their origin, religion, family life, occupations, military tactics, amusements, land system, government, and social classes; the last nineteen dealt with individual tribes.

It is probable that Tacitus exaggerated the virtues of the early Germans as a means of emphasizing what he felt to be the degeneration of his contemporary Romans. He wanted his readers to think of the noble, mythical Romans of the early Republic. As Rousseau later proclaimed the virtues of the “noble savage,” so did Tacitus praise the morality, individualism, and courage of the blond giants from the vast foreign regions east of the Rhine.

Extracts from *The Germania*, A.D. 98 *

For my own part, I agree with those who think that the tribes of Germany are free from all trace of intermarriage with foreign nations, and that they appear as a distinct, unmixed race, like none but themselves. Hence it is, that the same physical features are to be observed throughout so vast a population. All have fierce blue eyes, reddish hair, and huge bodies fit only for sudden exertion. They are not very able to endure labor that is exhausting. Heat and thirst they cannot withstand at all, though to cold and hunger their climate and soil have hardened them. . . .

Iron is not plentiful among them, as may be inferred from the nature of their weapons. Only a few make use of swords or long lances. Ordinarily they carry a spear, which they call a *framea*, with a short and narrow head, but so sharp and easy to handle that the same weapon serves, according to circumstances, for close or distant conflict. As for the horse-soldier, he is satisfied with a shield and a spear. The foot-soldiers also scatter showers of missiles, each man having several and hurling them to an immense distance, and being naked or lightly clad with a little cloak. . . .

On the whole, one would say that the chief strength of the Germans is in their infantry. It fights along with the cavalry, and admirably adapted to the movements of the latter is the swiftness of certain foot-soldiers, who are picked from the entire youth of their country and placed in front of the battle line. The number of these is fixed, being a hundred from each *pagus* [canton], and from this they take their name among their countrymen, so that what was at the outset a mere number has now become a title of honor. Their line of battle is drawn up in the shape of a wedge. To yield ground, provided they return to the attack, is regarded as prudence rather than cowardice. The bodies of their slain they carry off, even when the battle has been indecisive. To abandon one's shield is the basest of crimes. A man thus disgraced is not allowed to be present at the religious ceremonies, or to enter the council. Many, indeed, after making a cowardly escape from battle put an end to their infamy by hanging themselves. . . .

They also carry with them into battle certain figures and images taken from their sacred groves. The thing that most strengthens their courage is the fact that their troops are not made up of bodies of

* C. Cornelius Tacitus, *De origine, situ, moribus, ac populis Germanorum* [*The Germania*], chaps. 4-24, *passim*. Adapted from the translation by Alfred J. Church and William J. Brodribb (London, 1868), pp. 1-16.

men chosen by mere chance, but are arranged by families and kindreds. Close by them, too, are those dearest to them, so that in the midst of the fight they can hear the shrieks of women and the cries of children. These loved ones are to every man the most valued witnesses of his valor, and at the same time his most generous applauders. The soldier brings his wounds to mother or wife, who shrinks not from counting them, or even demanding to see them, and who provides food for the warriors and gives them encouragement.

About matters of small importance the chiefs alone take counsel, but the larger questions are considered by the entire tribe. Yet even when the final decision rests with the people, the affair is always thoroughly discussed by the chiefs. . . . Their freedom has one disadvantage, in that they do not all come together at the same time, or as they are commanded, but two or three days are wasted in the delay of assembling. When the people present think proper, they sit down armed. Silence is proclaimed by the priests, who, on these occasions, are charged with the duty of keeping order. The king or the leader speaks first, and then others in order, as age, or rank, or reputation in war, or eloquence, gives them right. The speakers are heard more because of their ability to persuade than because of their power to command. If the speeches are displeasing to the people, they reject them with murmurs; if they are pleasing, they applaud by clashing their weapons together, which is the kind of applause most highly esteemed. . . .

In battle it is considered shameful for the chief to allow any of his followers to excel him in valor, and for the followers not to equal their chief in deeds of bravery. To survive the chief and return from the field is a disgrace and a reproach for life. To defend and protect him, to add to his renown by courageous fighting, is the height of loyalty. The chief fights for victory; his companions must fight for the chief. If their native state sinks into the sloth of peace and quiet, many noble youths voluntarily seek those tribes which are waging some war, both because inaction is disliked by their race and because it is in war that they win renown most readily. . . . They actually think it tame and stupid to acquire by the sweat of toil what they may win by their blood. . . .

When not engaged in war, they pass much of their time in the chase, and still more in idleness, giving themselves up to sleep and feasting. The bravest and most warlike do no work; they give over the management of the household, of the home, and of the land to the women, the old men, and the weaker members of the family, while they themselves remain in the most sluggish inactivity. . . .

It is a well-known fact that the peoples of Germany have no cities, and that they do not even allow buildings to be erected close together. They live scattered about, wherever a spring, or a meadow, or a wood has attracted them. . . . Their buildings are mere rude masses, without ornament or attractiveness. . . .

A liquor for drinking is made out of barley, or other grain, and fermented so as to be somewhat like wine. The dwellers along the river bank also buy wine from traders. Their food is of a simple variety, consisting of wild fruit, fresh game, and curdled milk. They satisfy their hunger without making much preparation of cooked dishes, and without the use of any delicacies at all. In quenching their thirst they are not so moderate. . . .

At all their gatherings there is one and the same kind of amusement. This is the dancing of naked youths amid swords and lances that all the time endanger their lives. Experience gives them skill, and skill in turn gives grace. They scorn to receive profit or pay, for, however reckless their pastime, its reward is only the pleasure of the spectators. Strangely enough, they make games of chance a serious employment, even when sober, and so venturesome are they about winning or losing that when every other resource has failed, on the final throw of the dice they will stake even their own freedom. He who loses goes into voluntary slavery. . . .

3 The Battle of Adrianople, 378

The Battle of Adrianople, A.D. 378, one of the milestones of military history and one of the decisive battles of world history, marked the breaking of the Rhine-Danube frontier of the Roman Empire by the barbarian Goths and Teutons. Weakened by economic and political dry rot, the eastern half of the Roman Empire lay at the mercy of the stalwart invaders from the northern wilderness.

Two years previously, the barbarian Visigoths had been allowed to move inside the Roman Empire in order to escape the pressure of the Huns. When Roman black marketeers seized the opportunity to sell food to the famished refugees at extortionate rates, the Visigoths revolted. Valens, the East Roman Emperor

from A.D. 364 to 378, decided to subdue his unwelcome guests. The Romans attacked on August 9, 378, with their customary military formations: legions in the center and cavalry on the wings. Suddenly, the barbarian cavalry squadrons charged like a thunderbolt against the Roman left flank. The pressure forced the Roman infantry into a struggling mass unable to use its weapons. The main Roman body was massacred, and Valens himself was slain.

The battle marked the changing values of infantry and cavalry in warfare. For the first time the vaunted Roman infantry, mighty weapon of Roman power, was smashed in open battle. A thousand years of cavalry supremacy was inaugurated. More important, the victory meant the entrance of the Germans into the Occidental world and the beginning of the Roman-Christian-Germanic amalgam that was to influence the course of western European history.

This great battle was witnessed by the journalist-historian Ammianus Marcellinus (c. 330-400), a Greek of Antioch, whose vivid description is a masterpiece of war reporting.

Ammianus's Account *

When the day broke which the annals mark as the fifth of the Ides of August (August 9th), the Roman standards were advanced with haste. The baggage had been placed close to the walls of Adrianople, under a sufficient guard of soldiers of the legions. The treasures and the chief insignia of the Emperor's rank were within the walls, with the prefect and the principal members of the council.

Then, having traversed the broken ground which divided the two armies, as the burning day was progressing toward noon, at last, after marching eight miles, our men came in sight of the wagons of the enemy, which had been reported by the scouts to be all arranged in a circle. According to their custom, the barbarian host raised a fierce and hideous yell, while the Roman generals marshaled their line of battle.

* *Rerum gestarum libri qui supersunt*, Bk. XXXI, chaps. 12-14, translated by Charles D. Yonge under the title *The Roman History of Ammianus Marcellinus During the Reigns of the Emperors Constantius, Julian, Jovianus, Valentinian, and Valens* (London, 1862). The original text was edited by Viktor Gardthausen (Leipzig, 1875). The excerpt above is reprinted from the Yonge translation.

While arms and missiles of all kinds were meeting in fierce conflict . . . our men began to retreat; but presently, aroused by the reproaches of their officers, they made a fresh stand, and the battle increased like a conflagration, terrifying our soldiers, numbers of whom were pierced by strokes of javelins hurled at them, and by arrows.

Then the two lines of battle dashed one against the other, like the prows of ships. Thrusting mightily, they were tossed to and fro like waves of the sea. Our left wing had advanced actually up to the wagons, intending to push on still farther if properly supported. But they were deserted by the rest of the cavalry. They were so much pressed by the superior numbers of the enemy that they were overwhelmed and beaten down like the ruins of a great rampart.

Soon our infantry too was left unsupported. The companies and regiments were shoved together so closely that a soldier could scarcely draw his sword, or even withdraw his hand after he had once stretched it out.

By this time such great clouds of dust arose that it was hardly possible to see the sky. The air resounded with terrible cries. The darts, which brought death on every side, reached their mark and fell with deadly effect, for no one could see them quickly enough to place himself on guard. The barbarians, rushing on with their enormous army, beat down our horses and men and gave us no open spaces where we could fall back to operate. They were so closely packed that it became impossible for us to escape by forcing a path through them. Our men finally began to despise the thought of death and, again taking their swords, slew all they encountered. Helmets and breastplates were smashed in pieces by mutual blows of battle-axes.

Then you might see the barbarian, towering in his fierceness, hissing or shouting, fall with his legs pierced through, or his right hand cut off, sword and all, or his side transfixcd, and still, in the last gasp of life, casting around his defiant glances.

The plain was covered with corpses, showing the mutual ruin of the combatants. The groans of the dying, or of men horribly wounded, were intense and caused much dismay on all sides. Amidst all this great tumult and confusion, our infantry were exhausted by toil and danger, until at last they had neither the strength left to fight nor the spirit to plan anything. Their spears were broken by the frequent collisions, so that they were forced to content themselves with their drawn swords, which they thrust into the dense battalions of the enemy, disregarding their own safety, and seeing that every possibility of escape was cut off.

The sun, now high in the heavens, scorched the Romans, who were emaciated by hunger, worn out with battle, and scarcely able to bear the weight of their own weapons. At last our columns were entirely beaten back by the overpowering weight of the barbarians. They took to disorderly flight—the only resource under the circumstances—each man seeking to save himself as best he could.

Scarcely one third of the entire army escaped. Never, except in the battle of Cannae, had there been so destructive a slaughter recorded in our annals.

4 The Salic Law, c. 500

Before the period of infiltration, migration, and invasion of the Roman Empire, the German barbarians had primitive codes of laws which were not written but based on custom and practice. These unwritten laws were codified and published after the invasions. The laws of the Salic Franks, perhaps the most purely Germanic of all, were written probably during the reign of Clovis I (481–511). An important provision of these laws was the payment of the *Wergeld*, designed to put an end to private vengeance and the consequent civil wars. This fine was usually paid to the kin of the slain man by the slayer or his relatives. It will be noted that the *Wergeld* was based on status and value. For example, the fine for slaying a Frankish freeman was twice that for killing a Roman landowner.

Payment of the *Wergeld* *

1. If any person be convicted of killing a free Frank or a barbarian living according to the Salic Law, he shall be required to pay 8,000 denarii, which make 200 solidi.

2. If he has placed a body in a well, or under water, or if he has covered it with branches or other things for the purpose of concealing it, he shall be required to pay 24,000 denarii, which make 600 solidi.

* H. Geffcken, *Lex Salica* (Leipzig, 1898), chap. 4.

3. If any person slays a man in the king's trust, or a free woman, he shall pay 24,000 denarii, which make 600 solidi.

4. If any person kills a Roman who has been a table-companion of the king, he shall be required to pay 12,000 denarii, which make 300 solidi. . . .

6. If the slain person has been a Roman landowner, but not a table-companion of the king, the murderer shall be required to pay 4,000 denarii, which make 100 solidi.

5 The Character and Deeds of Charlemagne

Among all the kingdoms founded by the Germanic tribes in their migrations and invasions of the Roman Empire, the kingdom of the Franks was the only one that endured. Its persistence was due in part to favorable geographical conditions and in part to the amalgamation of the Frankish heritage and the Christian religion. The German form of society, literary culture, and state emerged at the time of Charlemagne (742-814). Charlemagne was at once the father of German, French, and also Italian history. In the closing years of the eighth century and at the beginning of the ninth, he united almost the entire West in a huge empire based politically on the old Roman Empire and spiritually on Christianity.

Beginning his reign with a disputed claim to the whole Frankish dominion, Charlemagne then embarked on a campaign of conquest that was to bring him into conflict with almost every important people in Europe. For thirty-three years he carried on unceasing warfare against the heathen Saxons, who stubbornly resisted every effort to Christianize them. Like his father, Pepin, before him, he entered into an alliance with the papacy, and undertook to protect Italy from the Lombards. He turned on the hordes of Slavs and Avars who menaced the eastern borders of his territory. He undertook expeditions against the Saracens in Spain.

In uniting all of western continental Christendom, Charlemagne determined the future course of German history. Even

after the Carolingian Empire was divided among his successors, the Germanic peoples retained his idea of a universal empire. Whereas France and England fashioned national monarchies, the German kings became enmeshed in a persistent and hopeless attempt to implement the cosmopolitan ideal of Charlemagne while, at the same time, decentralizing their political power at home with a policy of particularism.

Charlemagne is the first Germanic figure of whom we possess any satisfactory historical knowledge. One of the most distinguished biographical works of the early Middle Ages, Einhard's *Life of Charles the Great*, gives us a vivid picture of this striking figure of world history. More than a mere chronicle, it is political biography of the first order. Einhard (c. 770–840), whose name appears later in a bewildering variety of forms (Einhardus, Ainhardus, Heinhardus, Agenardus, Eginhardus, Eginhartus, or Eginhard), was born of a noble Frankish family in Austrasia. He became architect, private, secretary, confidential adviser, and companion to Charlemagne, at whose side he remained in peace and war. His work of biography was Einhard's way of expressing his gratitude to his friend and benefactor. Written in Latin in imitation of the style of the Roman Suetonius, biographer of the first twelve Caesars, it is an admirably simple and clear-cut, if brief, narrative.

The awe with which Charlemagne inspired Einhard grew to enormous proportions after Charlemagne's death. The Emperor and his twelve legendary peers became the heroes of a series of extraordinary adventures and achievements, which were amplified and adorned by poetry and poetic license. Fiction and truth about Charlemagne's deeds became so blended in the popular imagination that historians have been attempting ever since to disentangle one from the other.

Einhard's Description of Charlemagne *

The person of Charles was large and robust, and of commanding stature, though not exceeding good proportions, for it appears that he

* Einhard (Eginhard), *Life of the Emperor Charles the Great*, translated by William Glaister (London, 1877), pp. 26–88, *passim*.

measured seven feet in height. The top of his head was round, his eyes large and animated, his nose somewhat long, his hair white, and his face bright and pleasant, so that, whether standing or sitting, he showed great presence and dignity. Although his neck was thick and rather short, and his belly too prominent, still the fair proportions of his limbs concealed these defects. His walk was firm, and the whole carriage of his body was manly. His voice was clear, but not so strong as his frame would have led one to expect. His health was good until the last four years of his life, when he was attacked by frequent fevers, and latterly walked lame on one foot. Even in illness he leaned more on his own judgment than on the advice of physicians, whom he greatly disliked, because they used to recommend that he leave off roasted meats, which he preferred, and to accustom himself to boiled.

He took constant exercises in riding and hunting, which was natural for a Frank, since scarcely any nation can be found to equal them in these pursuits. He also delighted in the natural warm baths, frequently exercising himself by swimming, in which he was very skillful, no one being able to outstrip him. It was on account of the warm baths there that he built the palace of Aix-la-Chapelle, living there constantly during the last years of his life and until his death. He not only invited his sons to bathe with him, but also his chief men and friends, and occasionally even a crowd of his attendants and guards, so that at times one hundred men or more would be bathing together. . . .

In his eating and drinking he was temperate; more particularly so in his drinking, since he had the greatest abhorrence of drunkenness in anybody, but especially in himself and his companions. He was unable to abstain from food for any length of time, and often complained that fasting was injurious to him. He very rarely feasted, only on great festive occasions, when there were very large gatherings. The daily service of his table was furnished only with four dishes, in addition to the roast meat, which the hunters used to bring in on spits, and of which he partook more freely than of any other food.

While he was dining he listened to music or reading. History and the deeds of men of old used to be read. He derived much pleasure from the works of St Augustine, especially from his book called *De Civitate Dei*. . . .

He was ready and fluent in speaking, and able to express himself with great clearness. He did not confine himself to his native tongue, but took pains to learn foreign languages, acquiring such knowledge of Latin that he used to repeat his prayers in that language as well as

in his own. Greek he could better understand than pronounce. In speaking, he was so voluble that he almost gave one the impression of a chatterer. He was an ardent admirer of the liberal arts, and greatly revered their professors, whom he promoted to high honors. In order to learn grammar he attended the lectures of the aged Peter of Pisa, a deacon; and for other instruction he chose as his preceptor Albinus, otherwise called Alcuin, also a deacon—a Saxon by race, from Britain, the most learned man of the day, with whom the King spent much time in learning rhetoric and logic, and more especially astronomy. He learned the art of computation, and with deep thought and skill very carefully calculated the course of the planets.

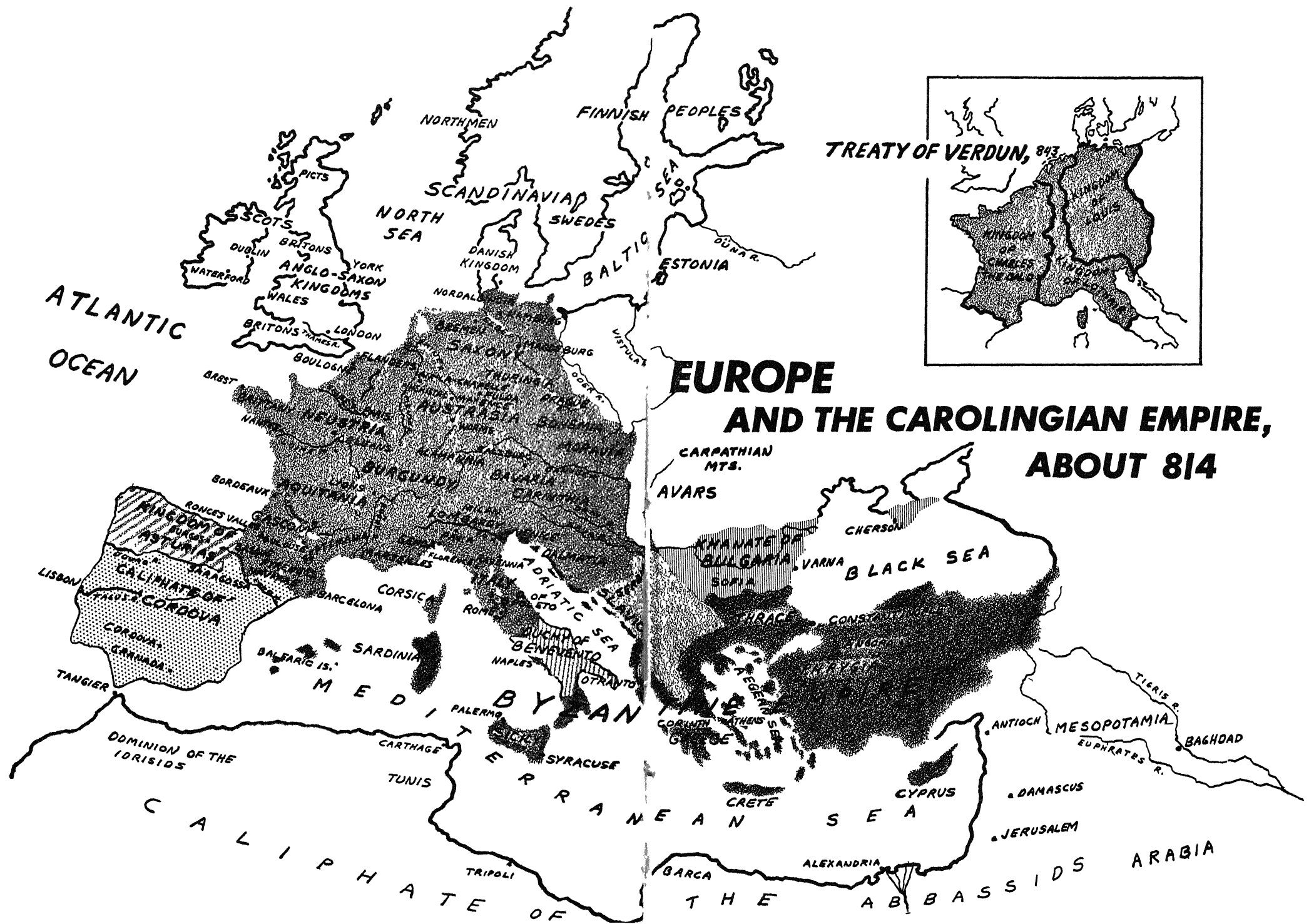
Charles also tried to write, and used to keep his tablets and writing books under the pillow of his couch, that when he had leisure he might practice his hand in forming letters, but he made little progress in a task too long deferred, and begun too late in life. . . .

The Christian religion, in which he had been brought up from infancy, was held by Charles to be most sacred, and he worshiped in it with the greatest piety. For this reason he built at Aix-la-Chapelle a most beautiful church, which he enriched with gold and silver, and candlesticks, and also with lattices and doors of solid brass. When columns and marbles for the building could not be obtained from elsewhere, he had them brought from Rome and Ravenna . . .

He was most devoted in providing for the poor, and in charitable gifts, which the Greeks call almsgiving. In this matter he took thought not only for those of his own country and kingdom but also for those he heard were living in poverty beyond the seas, in Africa, Egypt, and Syria, at Carthage, Alexandria, and Jerusalem, to whom he used to send money in compassion for their wants. It was on this account especially that he courted the friendship of foreign princes, that he might be able to become a solace and comfort to those Christians who were living under their rule.

He held the church of the blessed Peter the Apostle, at Rome, in far higher regard than any other place of sanctity and veneration, and he enriched its treasury with a great quantity of gold, silver, and precious stones

To the Pope he made many and rich presents; and nothing lay nearer his heart during his whole reign than that the city of Rome should attain to its ancient importance by his zeal and patronage, and that the church of St. Peter should, through him, not only be in safe keeping and protection but should also by his wealth be ennobled and enriched beyond all other churches. Although he thought so much of this, it was only four times, during the forty-seven years



of his reign, that he had leisure to go to Rome for prayer and supplication.

The last visit he paid to Rome was not only for the above reasons but also because the Romans had driven Pope Leo to ask his assistance—for they had grievously ill-treated him; indeed, his eyes had been plucked out and his tongue cut off.

Charles therefore went to Rome, and stayed there the whole winter in order to reform and quiet the Church, which was in a most disturbed state. It was at this time that he received the title of Emperor and Augustus, to which at first he was so averse that he remarked that had he known the intention of the Pope, he would not have entered the Church on that day, great festival though it was.

He bore very quietly the displeasure of the Roman Emperors, who were exceedingly indignant at his assumption of the imperial title, and overcame their sullenness by his great magnanimity, in which, without doubt, he greatly excelled them, sending them frequently embassies, and styling them his brothers in his letters to them. . . .

Toward the close of his life, when bowed down by disease and old age, he summoned to him his son Louis, the King of Aquitania, who alone survived of the sons of Hildegard, and in a solemn assembly of chief men of the whole realm of the Franks, and with their unanimous consent, appointed Louis his partner in the whole kingdom and heir to the imperial title. He then placed the royal crown on his head and by that he was saluted as Emperor and Augustus.

This proposal was received by all who were present with great approbation. It seemed to them as if Heaven inspired the King in advancing the prosperity of the kingdom, for this arrangement increased his own dignity and struck foreign nations with no slight awe. . . .

The King then dismissed his son into Aquitania, and, although weakened by age, went on his usual hunting expedition in the neighborhood of the palace of Aix-la-Chapelle. In this pursuit he passed the remainder of the autumn, and returned to Aix-la-Chapelle early in November. During the winter, in the month of January, he was confined to his bed by a sharp attack of fever. He at once prescribed for himself a lowering diet, which was his usual treatment of fever, thinking that by this means he could throw off the disease, or at least control it; but inflammation of the side, which the Greeks call pleurisy, supervened. He still continued to starve himself, only keeping himself up by occasionally taking liquids; and on the seventh day after he had been confined to his bed he received the Holy Communion, and died soon after, at nine o'clock on the 28th of January,

in the seventy-third year of his age and forty-seventh of his reign. . . .

His body was reverently washed and tended, and then carried into the church and buried, to the great grief of all his people. There was some doubt at first where was the most proper place for his burial, for during his life he had given no orders on this matter. At last it was agreed by all that he could be buried in no more fitting place than in the church which he had built at his own cost at Aix-la-Chapelle, out of love of God and our Lord Christ and to the honor of the ever blessed Virgin, His Mother. So he was buried there on the same day that he died. Above his tomb was erected a gilded monument, with his effigy and title upon it. His dignity was thus described:

Under this tomb is placed the body of Charles, the Great and orthodox Emperor, who gloriously enlarged the realm of the Franks, and successfully reigned during forty-seven years. He died in the seventy-third year of his age.

6 The Coronation of Charlemagne, 800

In 799, Pope Leo III was driven from Rome and imprisoned in a monastery by a rival faction. Making his way across the Alps, he appeared at the court of Charlemagne, who, although busy with one of his Saxon wars, pledged his aid. The next year, Charlemagne came to Rome and quickly suppressed the two nephews of the preceding Pope (Hadrian) who were plotting Leo's overthrow. While kneeling at the altar of St. Peter's on Christmas Day, 800, Charlemagne was approached by the Pope, crowned, and saluted as "Emperor of the Romans." Although annoyed by the circumstances of his coronation, about which he had no previous knowledge and which signified the overlordship of the papacy, Charlemagne gracefully accepted the honor. After all, it was satisfying to be addressed as *Imperator Romanorum Gubernans Imperium* instead of the more modest title *Rex Francorum atque Langobardum*.

The coronation of Charlemagne has been described by James

Bryce as "the central event of the Middle Ages." This concept appears to be somewhat exaggerated, since the coronation was but a formal recognition of an existing situation. Yet, it marked the revival of the old Roman Empire in western Europe and a definite break with the Emperor at Constantinople. It also meant the beginning of a long, bitter struggle between temporal and spiritual heads of the Western Empire. For the German emperors it meant an unceasing futile struggle for supremacy over Italy. From then on, the German rulers fought for the shadowy crown at Rome.

In the first account below, from *The Annals of Lauresheim*, the reasons for Leo's act are given. In the second, from *Lives of the Roman Pontiffs*, the actual ceremony is described.

I Account from *The Annals of Lauresheim* *

And as the title of Emperor had then come to an end among the Greeks, who were under the rule of a woman, it seemed to Pope Leo himself and to all the holy fathers present at the council, as well as to the rest of the Christian people, that they ought to give the rank of Emperor to Charles, King of the Franks, who held Rome itself, where the Caesars had been wont to dwell, as well as other places in Italy, Gaul, and Germany. Since Almighty God had taken all these places in his power, it seemed to them right that, in accordance with the demand of the Christian people, he should have the title also. This demand King Charles would not refuse; but, submitting in all humility to God, at the prayer of the clergy and of the whole Christian people, he received the title of Emperor with consecration from Pope Leo.

II Account from *Lives of the Roman Pontiffs* †

After these things, on the day of the birth of our Lord Jesus Christ, when all the people were assembled in the church of the blessed St. Peter, the venerable and gracious Pope with his own hand crowned

* *Annales Laureshamenses* [*The Annals of Lauresheim*] in *Monumenta Germaniae Historica, Scriptores*, edited by Georg H. Pertz and others (Hanover and Berlin. 1826-1925), I, 38.

† *Vitae Pontificorum Romanorum* [*Lives of the Roman Pontiffs*], in Lodovico Antonio Muratori, *Rerum Italicarum Scriptores* (Mediolani, 1723) III, 284-285.

Charlemagne with a most precious crown. Then all the faithful Romans, regarding the choice of such a friend and defender of the Holy Roman Church, and of the Pontiff, by the will of God and the blessed Peter, cried out in a loud voice: "To Charles, the most pious Augustus, crowned of God, the great and peace-giving Emperor, be life and victory!" While he, before the altar of the church, was calling upon the many saints, it was proclaimed three times. By the common voice of all he was chosen to be Emperor of the Romans. Then the most holy high priest and Pontiff anointed Charles with holy oil, and also his most excellent son to be King, upon the very day of the birth of our Lord Jesus Christ.

7 The Strasbourg Oaths, 842

The Carolingian Empire was held together during Charlemagne's reign by the common bond of loyalty to the leader; but after his death, the Carolingian dynasty, like that of the Merovingians, was subjected to degeneration and constant division. In 806, Charlemagne followed the ancient Frankish custom of dividing the realm equally among his three sons. The death of the two oldest sons left only Louis the Pious (814-840), who inherited the imperial throne and the unified Empire and who throughout his reign attempted to provide territories for his ambitious and wrangling sons.

Upon the death of Louis the Pious, the fatal disputes as to how the territories should be divided broke out once again. Lothair, the eldest brother, succeeded his father as Emperor; whereupon the two youngest brothers, Louis the German and Charles the Bald, combined to unseat the heir. In the Strasbourg Oaths (842), the two disgruntled brothers, who had defeated Lothair at the Battle of Fontenoy, took vows of perpetual loyalty to each other and swore to overthrow Lothair. The text of these oaths, reprinted below, was in both vulgar German and French, indicating the gradual separation of the Frankish people into two distinct groups and foreshadowing the formation of the German and French nations.

Texts of the Oaths *

I

[*Louis speaking in the lingua romana, Charles in the lingua teudisca*]

For the love of God and by this Christian people and our common salvation, from this day on, in so far as God has given me the power to know and to possess power, I shall so assist my brother Charles [Louis] in each and every thing as a man should help his brother, insofar as he shall do the same for me. And I shall never have anything to do with Lothair that might by my wish injure in any way my brother Charles [Louis].

II

[*Oath by the Followers*]

If Louis [Charles] keeps the oath which he swore to his brother Charles [Louis] and Charles [Louis], my lord on his part does not keep it, if I cannot prevent it, then neither I nor anyone whom I can deter shall ever defend him against Louis [Charles].

8 The Treaty of Verdun, 843

The Treaty of Verdun, dividing the Empire among the three sons of Louis the Pious, recognized the failure of Charlemagne to weld western Europe into one state. Lothair was given the imperial title, and the Holy Roman Empire was split into three parts: Louis obtained the territory east of the Rhine (what is today roughly Germany); Charles received the western part as far as Spain (what is today approximately France); and Lothair was given the country between the Rhine and the mouth of the

* *Monumenta Germaniae Historica, Scriptores*, edited by Georg H. Pertz and others (Hanover and Berlin, 1826-1925), II, 665.

Scheldt southward to the Rhône and Italy, a strip running through the center of the Empire from the North Sea to Rome. Louis and Charles received what were political and geographic units, while Lothair got the "in-between land" of Lotharingia or Lorraine, over which Germany and France have fought for more than a thousand years.

Unfortunately the text of this important agreement, which marked the separation of the three main parts of the Empire, has not survived. There are, however, several accounts in chronicles of the period. The following extract, attributed to Prudentius, Bishop of Troyes (845–861), was found in the monastery of St. Bertin, near St. Omer, Pas de Calais

A Contemporary Account of the Treaty *

Charles went to confer with his brothers and met them at Verdun. There the portions of the Empire were distributed among them. Louis was given all the land beyond the Rhine, and on this side of the river the cities and districts of Spires, Worms, and Mayence. Lothair obtained the country between the Rhine and the counties of Cambrai, Hainaut, Namur, Castritus, and those areas which lie immediately on this side of the Meuse, down to the confluence of the Saône and the Rhône to the sea with the areas adjoining it on either side. All other territories as far as Spain were given to Charles. Then the three took their oaths, and departed on their several ways.

9 The Treaty of Mersen, 870

On the death of Lothair I in 855, the extreme northern portion of his Carolingian heritage was divided between his sons, Lothair and Charles, the third son, Louis, taking Italy. Charles died in 863 and Lothair II in 869, and then their two uncles, Charles

* *Annales Bertiniani (Prudentii Trecentensis)*, in *Monumenta Germaniae Historica, Scriptores*, edited by Georg H. Pertz and others (Hanover and Berlin, 1826–1925), I, 440

the Bald and Louis the German, still striving to conquer more territory, split the northern portion of the Empire between themselves by the Treaty of Mersen.

Preliminaries of the Treaty, 870 *

In the year of the incarnation of our Lord, 870, the third indiction, the day before the nones of March, in the thirty-second year of the reign of the glorious King Charles the Bald, in the palace of the King at Aix-la-Chapelle, this agreement has been made between Charles and his brother, Louis.

Count Ingelram, for King Charles.

I promise for my lord that my lord, King Charles, will allow his brother, King Louis, to have such portion of the kingdom of Lothair as they two or their representatives may decide as just and equitable. Charles will never endanger him in his possession of that portion or of the kingdom which he held before, if Louis, on his part, will maintain the same faith and fidelity toward him, which I have promised for my lord.

Count Leutfrid, for King Louis.

I promise for my lord that my lord, King Louis, will allow his brother, King Charles, to have such portion of the kingdom of Lothair as they two or their representatives may decide as just and equitable. Louis will never endanger him in his possession of that portion or of the kingdom which he held before, if Charles, on his part, will maintain the same faith and fidelity toward him, which I have promised for my lord.

10 Rise of the German Towns

The early German towns, as elsewhere in Europe, began to free themselves from the jurisdiction of their lords. They acquired their own governments. Before the town could exercise its own

* *Monumenta Germaniae Historica, Scriptores*, edited by Georg H. Pertz and others (Hanover and Berlin, 1826–1925), I, 516.

municipal rights, it had to extract a city charter from the lords. The city charter grew out of the early market charter, an example of which is given below in the grant by the Holy Roman Emperor, Otto I, of a market to an archbishop in 965.

Otto I's Grant of a Market to an Archbishop, 965 *

In the name of the Indivisible Trinity. Otto by the grace of God, Emperor, Augustus:

If we grant the requests of clergymen and liberally assist the places which are dedicated to the worship of God, we believe that such actions will doubtless help us attain an eternal reward. Therefore, let it be known that for the love of God we have granted the petition of Adaldagus, the reverend Archbishop of Hamburg. We have given him permission to establish a market in the place called Bremen. We grant him jurisdiction, tolls, a mint, and all other things thereunto appertaining, to which our royal treasury would ordinarily have a right. We also take under our special protection all the merchants who live in that place, and grant them the same rights as the merchants who live in other royal cities. No one shall have any jurisdiction there except the aforementioned Bishop and those to whom he may delegate authority.

Signed with our hand and sealed with our ring.

OTTO I

11 Canossa, 1077

The central governing institution for the better part of the Middle Ages was the imperial-papal partnership, in which the German kings played an important role. Both sides claimed to be entitled to the dominant place: The German kings insisted that they were the Holy Roman Emperors, and the Pope claimed temporal as well as spiritual powers.

* Wilhelm Altmann and Ernst Bernheim, *Ausgewählte Urkunden zur Verfassungsgeschichte Deutschlands im Mittelalter* (Berlin, 1909), No. 301.

The issue came to a head during the pontificate of Gregory VII (1073-1085), who, until his election to the papacy, bore the name of Hildebrand. One of the most celebrated of all popes, Gregory was small and unattractive in person, but he possessed a genius for leadership and a mastery of statecraft rivaling Napoleon's. Advocating an elaborate theory of papal absolutism, he applied himself diligently to the task of achieving a theocratic society, with himself at the head. In his *Dictatus Papae* he declared that "the Pope is the only person whose feet are kissed by all Princes." Only churchmen, he contended, should confer the symbols of ecclesiastical authority on elected bishops.

At this time Henry IV, Emperor of Germany (1056-1106), decided to test the theory of papal overlordship. Gregory warned him to "treat with more honor the head of the Church, that is, St. Peter, the Prince of the Apostles." Henry, thereupon, wrote a stinging and discourteous reply, beginning:

Henry, King not by usurpation, but through holy ordination of God, to Hildebrand, at present not Pope but false monk. This is the salutation you deserve, for you have never held any office in the Church without making it a source of confusion and a curse to Christian men, instead of an honor and a blessing.

The letter ended with the words: "I, Henry, King by the grace of God, do say unto thee: 'Come down, come down, and be damned through all the ages!'"

The ambitious and energetic Gregory realized that this was a struggle to the end. In a brilliant gamble that the public would support him, he countered by excommunicating the recalcitrant German king. The German feudal and ecclesiastical lords, most of whom were envious of Henry and desired a limitation of his power, promptly advised him that unless he were freed within a year from the anathema of excommunication, he would be deposed. Fully cognizant of the meaning of the ultimatum, Henry swallowed his pride and agreed to make amends.

As the year 1076 drew to a close Henry set out upon a journey to Italy to come to terms with Gregory. In January, 1077, he reached the small town of Canossa, where Gregory was stopping at the castle of the Countess of Tuscany on his way to Germany.

to attend a German council. For three days and three nights Henry stood outside the castle, stripped clear of all his regalia, "wretched, barefooted, and clad in wool," waiting for the forgiveness of the Pope. The spectacle of the mightiest king in Christendom humbling himself in this sensational fashion was one to amaze the whole Christian world—king, lord, and peasant alike.

Canossa marked a high-water mark of papal power in the Middle Ages. Henry had shrewdly impaled Gregory on the horns of a dilemma. Should the pontiff ignore him and assume the dictatorship of German affairs, or should he receive him as a penitent and grant him absolution? As a good Catholic, there was only one course open to Gregory. Henry, on the other hand, had to forget his pride if he wished to rebuild his fortunes.

Gregory VII's own account of the submission at Canossa follows.

Gregory VII's Account of the Submission *

Gregory, Bishop, slave of the slaves of God, to all archbishops, bishops, dukes, counts, and other princes of the kingdom of the Teutons, who defend the Christian faith—greeting and apostolic blessing.

Since, from your love of justice, you have made common cause with us and shared our peril in the struggle of Christian warfare, we have taken pains, with our sincere affection, to inform you, beloved, of how the King, humbled to penitence, obtained the pardon of absolution.

As was arranged with the envoys, who were sent from you to us, we came into Lombardy about twenty days before the date on which one of the military leaders was to meet us at the pass. We awaited the arrival of the escort so that we might be able to cross to your land. But when the date had passed and we learned that it had not been possible for you to send an escort to meet us, we were indeed perplexed as to what we had better do.

In the meantime we learned for certain that the King was coming. Before he entered Italy he sent suppliant messengers to us and promised to render satisfaction in all things to God, to St. Peter, and to us.

* Ernst Bernheim, *Quellen zur Geschichte des Investiturstreits* (Leipzig, 1930), pp. 91-92.

Moreover, he promised to amend his life and to maintain complete obedience, if only he might be considered worthy to obtain the grace of absolution and apostolic blessing from us.

We had many consultations with him by messenger, during which we upbraided him severely for his evil deeds. At last he came in person. He had but few attendants and no air of hostility or defiance when he came to Canossa, where we were waiting.

There he laid aside all royal state. For three days he remained at the gate of the castle, wretched, barefooted, and clad in wool. He continued with much weeping to implore the aid and consolation of the apostolic mercy until he moved all who were there or who heard of it to such pity and compassion that they all interceded for him with many prayers and tears. They were astonished by the unusual hardness of our minds. Some even said that we were showing, not the weighty severity of an apostle, but the cruel ferocity of a tyrant.

At last, overcome by his persistence and by the urgent prayers of all present, in the end we loosed the bond of the anathema and admitted him to the grace of Communion. We received him again into the bosom of the Holy Mother Church.

12 The Bishop of Spires Grants a Charter to the Jews, 1084

Germans and Jews lived as strangers near each other in medieval Germany. Ghetto walls were more than physical barriers; they were symbolic of widely divergent cultural differences. Important Jewish settlements had been established along the Rhine under the favorable rule of the Carolingians. With the rise of feudalism, the Jews, excluded from feudal or manorial tenure, turned to commerce. When the towns arose and a mercantile class began to emerge, the Jews were not permitted to engage in trade and industry. They were forced to employ their capital in the only way left to them, by lending it at interest. Unpopular as money-lenders, they were often expelled from German towns.

The following charter, granted by the Bishop of Spires to the

Jews of his city in 1084, was not an act of personal kindness in the face of strong anti-Jewish feeling. It was based primarily on economic and administrative considerations. A little over a decade later, at the time of the First Crusade in 1096, the pendulum swung the other way. A series of massacres in the Rhineland made the period a long martyrdom for the Jews.

Text of the Charter *

1. *In the name of the Holy and Indivisible Trinity.*

I, Rudeger, by name Huozman, humble bishop of Spires, at a time when I desire to make a city of my village of Spires, feel that it would be an honorable thing to settle some Jews there.

I have, therefore, collected some Jews and located them in an area apart from the homes and associations of the other residents of the city. I have surrounded their quarter with a wall, so that they may be protected from attack and from the violence of the mob. I acquired the land for their homes legally, the hill partly by purchase and partly by trade. The valley, which I have donated to them, I received as a gift from the heirs who possessed it. I have given the Jews this land on condition that they pay three and a half pounds of money every year, such money as that coined by the mint of Spires, for the use of the monks.

2. I have granted them the free right of changing gold and silver coins and of buying and selling everything they wish within their own walls and outside the gate up to the Rhine boat-landing, as well as on the wharf itself. They shall have the same right throughout the city.

3. Moreover, I have given them a piece of the land of the church as a cemetery. This land shall belong to them in perpetuity.

4. I have also decided that if a Jew comes to them from some other place and is their guest for a time, he shall not be required to pay tolls to the city.

5. The chief priest of their synagogue shall have the same position and authority among them as the judge of the city has among the citizens. He shall be the judge of all cases which arise amongst them or against them. If he is not able to decide any case, it shall be referred to the bishop or his chamberlain

* Wilhelm Altmann and Ernst Bernheim, *Ausgewählte Urkunden zur Verfassungsgeschichte Deutschlands im Mittelalter* (Berlin, 1909), No. 66

6. The Jews are required to watch, guard, and defend only their own walls, and their servants may assist them in this work.
7. They may hire Christian nurses and Christian servants.
8. They may sell their meats, which their law forbids them to eat, to Christians, and Christians may buy them.
9. As further evidence of my kindness, I grant them the more favorable laws and conditions that the Jews may have in any part of the German kingdom.

13 The Concordat of Worms, 1122

The investiture controversy was a long and bitter struggle between papal and imperial powers for the right of investing new bishops with lands. Some worldly bishops—"blind leaders of the blind"—had received their lands from feudal lords, to whom they looked for authority rather than to the papacy. Pope Gregory VII maintained that all bishops should be removed from the control of nobles or kings and placed directly under papal authority. The best way of achieving this reform was to reserve to the Church the right of investiture, or formal institution into office. Thus, the Church would be freed from secular control. Gregory decreed that any member of the clergy receiving investiture from lay hands should be subject to the ban of excommunication.

The long investiture struggle was finally settled in 1122 at a diet held at Worms. The settlement was a kind of compromise, by which Henry V agreed to relinquish investiture with ring and staff (spiritual functions), to allow free elections, and to aid in the reconstruction of destroyed church property. On his side, Pope Calixtus II agreed that the election of bishops and abbots could take place in the presence of the Emperor and that the latter would have the right to invest them with the scepter (temporal functions). There has been some difference of opinion as to which side came off better in this settlement.

I Text of Concessions Made by Pope Calixtus II *

I, Bishop Calixtus, servant of the servants of God, do hereby grant to thee, august Emperor of the Romans, by the grace of God, the right to hold elections of the bishops and abbots of the German realm who are of thy kingdom, in thy presence, without simony, and without resorting to violence.

It is hereby agreed that should any dispute arise among those concerned, thou, according to the advice and judgment of the metropolitan and the suffragan bishops, shall give thy favor and support to that party who, in thy estimation, has the better case. In addition, that person elected shall receive from thee the regalia through the scepter, without the levy of any fees, and he shall discharge his rightful obligations to thee for them.

Anyone who may be consecrated in other parts of the Empire shall receive the regalia from thee through the scepter, within a period of six months, without the levy of any fees, and he shall discharge his rightful obligations to thee for them. However, those rights are excepted which are generally recognized to belong to the Roman Church. In those cases in which thou shall make complaint to me and request my aid, I shall give thee my support, as is required by my office. I hereby grant to thee a true peace, as well as to all who support thee, or have supported thee, during this period of strife.

II Text of Concessions Made by Henry V †

In the name of the Holy and Indivisible Trinity.

I, Henry, by the grace of God, august Emperor of the Romans, in consideration of our love of God and for the Holy Roman Church, of our lord Pope Calixtus, and for the saving of my soul, do hereby give over to God, the holy apostles of God, Peter and Paul, and the Holy Catholic Church, all investiture through ring and staff. I agree, that in all the churches existing in my kingdom, or empire, there shall be canonical elections and free consecration.

I restore to the Holy Roman Church all the property and regalia of St. Peter which, from the beginning of this strife until the present

* *Monumenta Germaniae Historica, Leges*, edited by Georg H. Pertz and others (Hannover and Berlin, 1826-1925), II, 75-76

† Adapted from the text *Monumenta Germaniae Historica, Selecta*, edited by Michael Doeberl (Munich, 1889), III, 60

day, have been confiscated and which are now in my possession. I shall faithfully aid in the restoration of all those things which I do now hold. I shall also restore the property of all other churches and princes and anyone, whether it be lay or ecclesiastic, which has been lost in the struggle, according to the advice of the princes or according to the considerations of justice. I shall also faithfully assist in the restoration of those things which I do not now hold.

I grant a true peace to our lord Pope Calixtus, and to the Holy Roman Church, as well as to all who are, or have been, on its side. I shall faithfully give assistance when the Roman Church seeks it. When it shall make complaints to me, I shall see to it that justice is done.

14 Frederick II's Promises to Innocent III, 1213

The pontificate of Innocent III (1198–1216) marked the zenith of the power of the Church in the great struggle between the Holy Roman Empire and the papacy from 1073 to 1250. Innocent III was not content merely with theoretical power; on the contrary, he believed that no king was able to serve rightly unless he first served devoutly as the pope's vassal.

The powerful personality of Innocent III was impressed deeply upon the young ruler Frederick II, who, in his early years, was under papal guardianship. In 1213, the monarch, residing in Sicily, wrote the letter reproduced below to his guardian. Had the promises mentioned in this letter been kept, there would have been no further struggle between Empire and papacy. But, as he grew older, Frederick gave evidence of an independent frame of mind as well as an energetic and remarkable talent. He reasserted the imperial claims against the papacy, which began to regard him as an unbeliever subject to eternal damnation—"the viper of the Hohenstaufens." The renewal of this old conflict ended eventually in the destruction of Frederick's dynasty. Frederick II became "the most brilliant failure of the Middle Ages."

Letter from Frederick II to Innocent III *

In the name of the Holy and Indivisible Trinity. Frederick II, etc. . . .

To you, Most Holy Father, and to all your successors, and to the Holy Roman Church, which has been a true mother to us, with a humble heart and devout spirit we shall always show all obedience, honor, and reverence, such as our ancestors, Catholic kings and emperors, have shown your predecessors.

In order that our devotion to you may be demonstrated as greater than theirs, we shall pay you even greater obedience, honor, and reverence than they did. Desiring to abolish, therefore, that abuse which some of our predecessors are said to have practiced, we grant that the election of bishops shall be free and canonical. . . .

Appeals in all ecclesiastical matters may be made freely to Rome, and no one shall attempt to interfere with them.

We shall no longer seize the property of deceased bishops or vacant churches.

We yield spiritual jurisdiction to you and the other bishops, so that those things which are Caesar's may be rendered unto Caesar, and those which are God's unto God.

We shall give our best assistance in the extirpation of heresy.

We grant to the Roman Church the free and undisturbed possession of all those lands which she has recovered from our predecessors who had despoiled her of them. . . .

Whenever we shall be called by the Pope to come and receive the imperial crown or to render any service to the Church, we shall accept entertainment from them only if the Pope gives his consent.

As a devoted son and Catholic prince, we shall assist the Roman Catholic Church to keep and defend the kingdom of Sicily and all other rights which she possesses. . . .

15 Frederick II and German Disunity, 1231–1232

Perhaps the main reason why the Germanies remained a "geographical expression," torn and divided into quarrelsome states,

* J. P. Migne, ed., *Patrologiae cursus completus; series latina* (Paris, 1884–1885), p. 217, cols. 301 ff.

until the nineteenth century, was the persistence of particularism, or what is today known as states' rights. The feudal princes resisted all efforts at unification because they considered it a violation of their own rights. As a result, many administrative elements of feudalism endured to the modern period. Whereas such national states as England and France enjoyed the advantages of unification early in modern times, the Germanies remained split up into separate states until the Bismarck era.

After Frederick II, the Hohenstaufen who had his court in southern Italy, came to Germany in 1231, this statute was issued diminishing the rights of the crown and increasing the independence of the princes. Actually, he had but little interest in the German states. This legal concession to the princes set a precedent which strongly influenced the course of German history for centuries.

Frederick II's Statute in Favor of the Princes *

In the name of the Holy and Indivisible Trinity. Frederick II, by divine mercy Emperor of the Romans, Augustus, King of Jerusalem, King of Sicily. . . .

1. No new castles or cities shall be erected by us or by anyone else to the prejudice of the princes.
2. New markets shall not be permitted to interfere with the interests of former ones.
3. No one shall be forced to attend any market against his will.
4. Travelers shall not be compelled to leave the old highways, unless they wish to do so.
5. We shall not exercise jurisdiction within the ban-mile of our cities.
6. Each prince shall possess and exercise peacefully, in accordance with the customs of the land, the liberties, jurisdiction, and authority over counties and hundreds which are in his own possession or are held as fiefs from him.
7. Centgraves shall receive their office from the prince or from that person who holds the land as a fief.
8. The location of the hundred court shall not be changed without the consent of the lord.

* *Monumenta Germaniae Historica, Leges*, edited by Georg H. Pertz and others (Hanover and Berlin, 1826-1925), II, 291 ff.

9. Nobleman shall be held accountable to the hundred court.
10. Those persons holding political rights in the city but residing outside it (*phalburgii*) shall be expelled from the cities.
11. Payments of wine, money, grain, and other rents, which free peasants have paid in former times to the emperor are hereby remitted, and shall not henceforth be collected.
12. The serfs of princes, nobles, ministerials, and churches shall not be admitted to our cities.
13. Such lands and fiefs of princes, nobles, ministerials, and churches, which have been confiscated by our cities, shall be restored and shall never again be seized.
14. The right of the princes to furnish safe-conduct within the lands which they hold as fiefs from us shall not be violated by us or by anyone else.
15. Inhabitants of our cities shall not be forced by our judges to restore any possessions which they may have received from others before they moved there.
16. Notorious, condemned, and proscribed persons shall not be admitted to our cities; if they have been, they shall be driven out.
17. We shall never cause any money to be coined in the land of the princes which shall be injurious to their own coinage systems.
18. The jurisdiction of our cities shall not extend beyond their boundaries, unless we have special jurisdiction in the region.
19. The plaintiff shall bring suit in our cities in the court of the accused.
20. Lands or property which are held as fiefs shall not be pawned without the consent of the lord from whom they are held.
21. No one shall be forced to assist in the fortifying of the cities unless he is under legal obligation to give that service.
22. The inhabitants of our towns who hold lands outside shall pay to the lords the regular dues and services, and they shall not be burdened with unjust taxation.
23. If serfs, freemen subject to advocates, or vassals of any lord, shall dwell within any of our cities, they shall not be prevented by their officials from going to their lords.

16 Establishment of the Rhine League, 1254

The German states in the middle of the thirteenth century were plagued by private warfare among the barons. One of the reasons was that the Emperor Frederick II, who was more interested in Italo-Sicilian matters, paid but little attention to local German conditions. His son, Conrad IV, was likewise interested in other matters, such as fighting for the imperial crown. Under the circumstances, commerce was difficult. Robber barons carried on their own trade and made the roads unsafe. The cities of the Rhine valley therefore organized a league for the purpose of protecting their commerce against the robber barons and highwaymen. The following document establishing the Rhine League was embodied in its initial legislation.

Extract from the Document Founding the Rhine League *

In the name of the Holy and Indivisible Trinity. The judges, consuls, and all the citizens of Mayence, Cologne, Worms, Spire, Strassbourg, Basel, and other cities which are bound together in the league of holy peace, to all the faithful of Christ, greeting in Him who is the author of peace and the ground of salvation.

1. Since for a long time now many of our citizens have been completely ruined by the violence and wrongs that have been inflicted upon them in the country and on the roads, and since through their ruin others have been ruined, so that innocent people, through no fault of their own, have suffered great loss, it is about time that some way be found to prevent such violence, and to restore peace in all our lands in a just manner.

2. Therefore, we desire to inform everyone that with the aid of our Lord Jesus Christ, the author and lover of peace, and for the purpose of fostering peace and rendering justice, we have agreed unanimously on the following terms.

* *Monumenta Germaniae Historica, Leges*, edited by Georg H. Pertz and others (Hanover and Berlin, 1826-1925), IV, 2.

We have mutually bound ourselves by oath to observe a general peace for ten years from St. Margaret's Day [July 13, 1254]. The venerable Archbishops, Gerhard of Mayence, Conrad of Cologne, Arnold of Trèves, and the Bishops, Richard of Worms, Henry of Strasbourg, Jacob of Metz, Berthold of Basel, and many counts and nobles of the land have joined us in this oath. They, as well as we, have surrendered all the unjust tolls which we have been collecting both by land and by water. We shall collect them no longer.

3. This promise shall be kept in such a way that not only the more important ones among us shall have the advantage of this common protection, but everyone, the small and the great, the secular clergy, monks of all orders, laymen, and Jews, shall enjoy this protection and live in the calm of holy peace. If any person break this peace, we shall oppose him with all our might, and we shall compel him to make proper satisfaction.

4. In reference to the quarrels or differences which now exist between members of this peace, or which might hereafter arise, they shall be settled in this way: Each city and each lord, who have membership in the league, shall choose four reliable men and give them full authority to settle all differences of opinion in a friendly way. . . .

17 The Hanseatic League

There was no dominant north German principality in the thirteenth century. Consequently, such cities as Hamburg, Bremen, Cologne, and Lübeck entered into agreements with one another for mutual protection against sea pirates and land robbers. Gradually, the Hanseatic League became a great commercial state, with regular assemblies, courts, treasury, and agencies at such diverse places as Bruges, London, Novgorod, and Bergen. Its economic activities and prestige were significant factors in the commercial development of northern Europe.

The Hanseatic League was not a precise political union with fixed territorial boundaries, but rather a loose politico-economic alliance. It possessed no common seal, although that of Lübeck was widely recognized by foreigners as an official seal of the con-

federation, probably because Lübeck was considered to be the undisputed leader. Only towns with German populations could become full members. Money for use of the league was raised from time to time by the imposition of dues based upon poundage of merchandise handled. These funds were used for the expenses of maintaining offices and factories in foreign countries. Heavier dues were imposed for expenditures in war. The merchants of the league gathered great profits, especially from the distribution of herring, an important food in the European economy.

The commercial reign of the Hanseatic League was brilliant but brief. By the fifteenth century, strong competitors arose, and the use of new trade routes handicapped the Hanseatic cities. The absence of a unified, energetic, and centralized power spelled ultimate doom for the Hanseatic monopoly. The decline was hastened by competition from the Dutch, who increased their hold on the herring fisheries; by the French, who gained control of the salt trade (indispensable for the preservation of fish); and by southern Germans and Russians. Added to these factors was a prank of nature, which caused the herring to shift their habitat from the Baltic to the North Sea and the coasts of the Low Countries. With the opening of the New World, the league declined until it was composed of only a handful of commercial cities.

A Decree of the League, c. 1260 *

We desire to announce the decision reached after due discussion concerning aid to all merchants who enjoy the rule of Lübeck and are subject to its laws.

1. Each city shall do its best to defend the sea against pirates and other evil-doers so that the merchant mariners may be able freely to carry on their trade.
2. If anyone be expelled for a violation of law from one city, he shall not be received by any other cities.
3. If a burgess be captured, he shall not be ransomed by any payment, but his sword-belt and his knife shall be sent to him.
4. No merchant shall pay ransom for another who has been

* *Hanserecesse, Die Recesse und andere Akten der Hansetage, 1256-1340* (Leipzig, 1870), I, 4.

captured, nor shall he receive payment on account of the latter's debts, under penalty of losing all his property in his own city and in all cities covered by the law of Lübeck. . . .

7. If there be a land war, no city shall injure a burgess from the other cities, either in person or in property, but shall help him in good faith.

8. If a man marries a woman in any of these cities, and his first wife comes and claims him and can prove by means of adequate witnesses that he is her husband by law, he shall be beheaded. . . .

These decisions are in effect for one year. What shall be done thereafter shall be agreed upon by means of letters from city to city.

Given at Wismar on St. John the Baptist's Day.

18 The Golden Bull of Charles IV, 1356

For a century following the death of Frederick II in 1250, the question of the imperial succession was a thorny one. The lay and clerical princes maintained only a theoretical allegiance to the Empire, as they reserved the rights of legislation, the coinage of money, and the levying of taxes. Their only unity was in the tacit agreement that the central monarchy should be kept in a permanent state of weakness. Gradually, the power of choosing a successor to the imperial office fell into the hands of seven electors: four lay princes—the king of Bohemia, the duke of Savony, the margrave of Brandenburg, and the count palatine of the Rhine; and three great ecclesiastics—the archbishops of Mayence, Trèves, and Cologne.

Emperor Charles IV (1316–1378), who had been born at Prague the son of John, King of Bohemia, and who had been elected Emperor in 1347 in opposition to Louis of Bavaria, was wise enough to perceive that some legal basis had to be given to the system of elections already established. Otherwise, each election would be accompanied by bitter civil wars. He had no wish to disturb the existing system, since he recognized the power of the electors.

Charles IV laid his project for a constitutional law of the Empire before diets held at Nuremberg from November, 1355, to January, 1356, and at Metz ending in December, 1356. His chief proposals were: (1) definition of the right to vote in imperial elections; (2) the principle of majority decision in the elections; (3) the lowering of tolls; (4) the regulation of coinage; and (5) the establishment of public peace. The document, since called the Golden Bull, defined and increased the powers of the prince electors, stipulated that the elections were to take place at Frankfort on Main, and made provision for the coronation at Aix-la-Chapelle. Appropriately called "the central document of German constitutional history in the Middle Ages," the Golden Bull remained the fundamental law of the Holy Roman Empire until its dissolution by Napoleon in 1806. In the words of James Bryce, the document "confessed and legalized the independence of the electors and the powerlessness of the crown." It was one of the most important reasons why the Germanies remained a "geographical expression," plagued by particularism, until the late nineteenth century.

Extracts from the Golden Bull *

1. 1. We decree and determine by this imperial edict that, whenever the electoral princes are summoned according to the ancient and praiseworthy custom to meet and elect a king of the Romans and future emperor, each one of them shall be bound to furnish on demand an escort and safe-conduct to his fellow electors or their representatives, within his own lands and as much farther as he can, for the journey to and from the city where the election is to be held. Any electoral prince who refuses to furnish escort and safe-conduct shall be liable to the penalties for perjury and to the loss of his electoral vote for that occasion.

2. We decree and command also that all other princes who hold fiefs from the Empire, by whatever title, and all counts, barons,

* Wilhelm Altmann and Ernst Bernheim, *Ausgewählte Urkunden zur Erläuterung der Verfassungsgeschichte Deutschlands im Mittelalter*, 3d ed (Berlin, 1904), pp. 54-83. Translated in: *A Source Book for Medieval History* by O.J. Thatcher and E.H. McNeal, pp. 284-295, *passim*, copyright 1905 by Charles Scribner's Sons, 1933 by Oliver J. Thatcher. Reprinted by permission of the publishers.

knights, clients, nobles, commoners, citizens, and all corporations of towns, cities, and territories of the Empire, shall furnish escort and safe-conduct for this occasion to every electoral prince or his representatives, on demand, within their own lands and as much farther as they can. . . .

3. We also command that the citizens and corporations of cities shall furnish supplies to the electoral princes and their representatives on demand at the regular price and without fraud, whenever they arrive at, or depart from, the city on their way to or from the election. . . .

16. When the news of the death of the king of the Romans has been received at Mayence, within one month from the date of receiving it the archbishop of Mayence shall send notices of the death and the approaching election to all the electoral princes. But if the archbishop neglects or refuses to send such notices, the electoral princes are commanded on their fidelity to assemble on their own motion and without summons at the city of Frankfort, within three months from the death of the emperor, for the purpose of electing a king of the Romans and future emperor.

17. Each electoral prince or his representatives may bring with him to Frankfort at the time of the election a retinue of two hundred horsemen, of whom not more than fifty shall be armed.

18. If any electoral prince, duly summoned to the election, fails to come, or to send representatives with credentials containing full authority, or if he (or his representatives) withdraws from the place of the election before the election has been completed, without leaving behind substitutes fully accredited and empowered, he shall lose his vote in that election. . . .

II. 2. *The oath taken by the electors:* "I, Archbishop of Mayence, archchancellor of the Empire for Germany, electoral prince, swear on the Holy Gospels here before me, and by the faith which I owe to God and to the Holy Roman Empire, that with the aid of God, and according to my best judgment and knowledge, I will cast my vote, in this election of the king of the Romans and future emperor, for a person fitted to rule the Christian people. I will give my voice and vote freely, uninfluenced by any agreement, price, bribe, promise, or anything of the sort, by whatever name it may be called. So help me God and all the saints."

3. After the electors have taken this oath, they shall proceed to the election, and shall not depart from Frankfort until the majority have elected a king of the Romans and future emperor, to be ruler of the world and of the Christian people. If they have not come to

a decision within thirty days from the day on which they took the above oath, after that they shall live upon bread and water and shall not leave the city until the election has been decided.

III. 1. To prevent any dispute arising between the archbishops of Trèves, Mayence, and Cologne, electoral princes of the Empire, as to their priority and rank in the diet, it has been decided and is hereby decreed, with the advice and consent of all the electoral princes, ecclesiastical and secular, that the archbishop of Trèves shall have the seat directly opposite and facing the emperor; that the archbishop of Mayence shall have the seat at the right of the emperor when the diet is held in the diocese or province of Mayence, or anywhere in Germany except in the diocese of Cologne; that the archbishop of Cologne shall have the seat at the right of the emperor when the diet is held in the diocese or province of Cologne, or anywhere in Gaul or Italy. This applies to all public ceremonies—court sessions, conferring of fiefs, banquets, councils, and all occasions on which the princes meet with the emperor for the transaction of imperial business. This order of seating shall be observed by the successors of the present archbishops of Cologne, Trèves, and Mayence, and shall never be questioned.

IV. 1. In the imperial diet, at the council-board, table, and all other places where the emperor or king of the Romans meets with the electoral princes, the seats shall be arranged as follows: On the right of the emperor, first, the archbishop of Mayence, or of Cologne, according to the province in which the meeting is held, as arranged above; second, the king of Bohemia, because he is a crowned and anointed prince; third, the count palatine of the Rhine; on the left of the emperor, first, the archbishop of Cologne, or of Mayence; second, the duke of Saxony; third, the margrave of Brandenburg.

2. When the imperial throne becomes vacant, the Archbishop of Mayence shall have the authority, which he has had from of old, to call the other electors together for the election. It shall be his peculiar right also, when the electors have convened for the election, to collect the votes, asking each of the electors separately in the following order: first, the archbishop of Trèves, who shall have the right to the first vote, as he has had from of old; then the archbishop of Cologne, who has the office of first placing the crown upon the head of the king of the Romans; then the king of Bohemia, who has the priority among the secular princes because of his royal title; fourth, the count palatine of the Rhine; fifth, the duke of Saxony; sixth, the margrave of Brandenburg. Then the princes shall ask the archbishop of Mayence in turn to declare his choice and vote. At the diet, the margrave

conquering them. In 1370, peace was made in terms strongly advantageous to the league. Following are extracts from the Danish Council's version of the peace terms, which kept the northern countries open to trade under the domination of the league.

**I Danish Council's Version of the Peace Terms,
November 30, 1369 ***

All burgesses, merchants, and their servants, as well as those who are subject to their law, may visit the kingdom of Denmark and the land of Skaania in all districts and regions, and may travel by land and water in all these regions with their goods and merchandise.

Furthermore, the aforementioned towns may appoint their own wardens over their settlements. These wardens may have jurisdiction over all those who live with them in their settlements and over all their burgesses and their servants, wherever they may live. . . .

II Another Extract, dated May 24, 1370 †

Because of the many wrongs which the Hansa towns and their burgesses have undergone in the years before this war, they shall have two thirds and our lord, the King, and the kingdom of Denmark shall have one third of all the revenues which are payable in Skanör, Falsterbo, Malmö, and Helsingborg, for fifteen years.

They may collect these revenues in peace for fifteen years, and for this purpose they shall have the control of the aforementioned towns.

If our lord, King Waldemar, during his lifetime, desires to set up another lord over his kingdom of Denmark, we shall not and we will not recognize him, but it shall remain with the councils of the towns whether or not they will accept him. Similarly shall we act, if our said lord, the King, shall die, which God forbid.

* *Hanserecesse, Die Recesse und andere Akten der Hansetage*, 1256-1340 (Leipzig, 1870), I, 475.

† *Ibid.*, I, 486.

20 Founding of the University of Heidelberg, 1386

Since there were no universities in the Germanies during the intellectual movements of the twelfth and thirteenth centuries, young Germans had to travel to Paris, Oxford, or Bologna in their pursuit of higher education. The first German university was founded at Prague, in Bohemia, in 1348 by Emperor Charles IV. From then on, the founding of German universities proceeded rapidly, with every major community having a university of its own. Below are extracts from the charter of privileges issued for the University of Heidelberg in October, 1386, by Rupert I, Count Palatine of the Rhine.

Extracts from the Charter of Privileges for
the University of Heidelberg, October, 1386 *

We, Rupert the elder, by the grace of God, Count Palatine of the Rhine, Elector of the Holy Empire, and Duke of Bavaria:

Lest we seem to abuse the privilege conceded to us by the apostolic see of founding a place of study at Heidelberg similar to that at Paris, and lest, for this reason, being subjected to the divine judgment, we should deserve to be deprived of the privilege granted—do decree, with provident counsel (which decree is to be observed unto all time), that the University of Heidelberg shall be ruled, disposed, and regulated according to the modes and manners accustomed to be observed in the University of Paris. Also that, as a handmaid of Paris—a worthy one let us hope—the latter's steps shall be imitated in every way possible; so that, namely, there shall be four faculties in it: the first, of sacred theology and divinity; the second, of canon and civil law, which, by reason of their similarity, we think best to comprise under one faculty; the third, of medicine; the fourth, of liberal

* Edward Winkelmann, *Urkundenbuch der Universität Heidelberg* (Heidelberg, 1886), I, 5–6. Translated by Ernest F. Henderson, in *Select Historical Documents of the Middle Ages* (London, 1896), pp. 262–266.

arts—of the threefold philosophy, namely, primal, natural, and moral, three mutually subservient daughters. We wish this institution to be divided and marked out into four nations, as it is at Paris; and that all these faculties shall make one university, and that to it the individual students, in whatever of the said faculties they are, shall unitedly belong like lawful sons to one mother.

Likewise [we desire] that this university shall be governed by one rector, and that the various masters and teachers, before they are admitted to the common pursuits of our institution, shall swear to observe the statutes, laws, privileges, liberties, and franchises of the same, and not reveal its secrets, to whatever rank they may rise. Also that they will uphold the honor of the rector and the rectorship of our university, and will obey the rector in all things lawful and honest, whatever be the rank to which they may afterwards happen to be promoted. Moreover, that the various masters and bachelors shall read their lectures and exercise their scholastic functions and go about in caps and gowns of a uniform and similar nature, according as has been observed at Paris up to this time in the different faculties.

And we will that if any faculty, nation, or person shall oppose the aforesaid regulations, or stubbornly refuse to obey them, or any one of them—which God forbid—from that time forward that same faculty, nation, or person, if it do not desist upon being warned, shall be deprived of all connection with our aforesaid institution, and shall not have the benefit of our defense or protection. Moreover, we will and ordain that as the university as a whole may do for those assembled here and subject to it, so each faculty, nation, or province of it may enact lawful statutes, such as are suitable to its needs, provided that through them, or any one of them, no prejudice is done to the above regulations and to our institution, and that no kind of impediment arise from them. And we will that when the separate bodies shall have passed the statutes for their own observance, they may make them perpetually binding on those subject to them and on their successors. . . .

Lest the masters and scholars of our institution of Heidelberg may be oppressed by the citizens, moved by avarice, through extortionate prices of lodgings, we have seen fit to decree that henceforth each year, after Christmas, one expert from the university, on the part of the scholars, and one prudent, pious, and circumspect citizen, on the part of the citizens, shall be authorized to determine the price of the students' lodgings. Moreover, we will and decree that the various masters and scholars shall, through our bailiff, our judge, and the officials subject to us, be defended and maintained in the quiet

possession of the lodgings given to them free or of those for which they pay rent. Moreover, by the tenor of these presents, we grant to the rector and the university, or to those designated by them, entire jurisdiction concerning the payment of rents for the lodgings occupied by the students, concerning the making and buying of books, and the borrowing of money for other purposes by the scholars of our institution; also concerning the payment of assessments, together with everything that arises from, depends upon, and is connected with these.

In addition, we command our officials that when the rector requires our aid and assistance for carrying out his sentences against scholars who try to rebel, they shall assist our clients and servants in this matter; first, however, obtaining lawful permission to proceed against clerks from the lord bishop of Worms, or from one deputed by him for this purpose.

PART II

*From the Reformation
Through the Rise
of Prussia*

21 *The Letters of Obscure Men, 1515–1517*

German humanists, unlike the Italian, refused to abandon themselves to a pagan enjoyment of life, and, instead, placed the Church Fathers and the Bible on an equal plane with the classical writers. Whereas the older and more conservative German humanists desired reform of the widespread ecclesiastical abuses, the younger, vigorous crowd of “rational humanists” were more eager for conflict.

Johann Reuchlin (1455–1522), although he never left the Catholic Church, denounced the scholastic theologians and led the struggle of the humanists against scholasticism. A distinguished Hellenist and Latinist, he was, at the same time, a devoted student of Hebrew, which he regarded as a holy language. He found himself the center of a stormy controversy when Johann Pfefferkorn, a converted Jew, accused him of being inclined secretly to Judaism. A furious literary battle ensued between the Reuchlinites (humanists) on the one side, and Pfefferkorn and his followers (called “obscurantists” by their opponents) on the other. Since he was no intellectual match for Reuchlin, Pfefferkorn joined forces with Jakob van Hoogstraeten, dean of the Dominicans at Cologne and chief papal inquisitor.

In the midst of this violent literary feud, a group of humanists, led by Crotus Rubianus of Erfurt, attacked the theological party by issuing anonymously between 1515 and 1517 a series of epistles called *The Letters of Obscure Men* ("obscure" at that time meaning "ignorant" or "illiberal"). Written purposely in bad Latin and signed with absurdly fictitious names, the letters asked the most ridiculous questions and disclosed the most astonishing ignorance. Yet, so clever was the satire that the epistles of the "obscurantists" were accepted, at first, as genuine. The dramatic publication added fuel to the controversy. Finally, Pope Leo X imposed silence upon both sides, after which the quarrel was forgotten in the agitation aroused by Luther's attacks on the Church. In the meantime, classical literature and the Hebrew language were studied everywhere in the Germanies.

Example of *The Letters of Obscure Men*, 1517 *

*Henricus Schaffsmulius to Master Ortuin Gratius,
Many salutations:*

You informed me that I should write to you often when I first went to the Curia, and to address any theological problems to you, as you desired to answer them in a more satisfactory fashion than could those at the papal court at Rome. Therefore, I now desire to ask your opinion in the matter of whether one should on Friday, the sixth day, or on any other day of fasting, eat an egg in which there is a chick. We were recently dining in an inn in the Campo Fiore, and we were eating eggs. Opening my egg, I found that there was a chick within. Upon showing it to my colleague, I was urged to swallow it immediately before the host saw me; otherwise I should have to pay a Carolinus or a Julius for a chicken, for it is the custom here to pay for everything the host places on the table and nothing will be taken back. If he saw that there was a chick in the egg, he would demand payment for the chick—and he would charge as much for a little one as for a big one.

I, therefore, immediately swallowed the egg and the chick at the same time. Afterwards I realized that it was Friday. I then said to

* *Ulrichi Hutteni equitis operum supplementum, Epistolae obscurorum virorum* (Leipzig, 1864), I, 226 ff.

my colleague: "You have made me commit a mortal sin by eating meat on Friday."

But he replied that it was not a sin, not even a venial sin, since a chick cannot be considered as anything else but an egg until it is born. He also remarked that it is just the same in the case of cheese in which there are worms, as well as worms in cherries, peas, and beans. They, however, are eaten on the sixth day, and even during the vigils of the apostles. But the proprietors of inns are such rascals that they, on occasion, label these things as meat in order to gain thereby.

I went out and thought about this matter. By Heaven, Master Ortuin, I am most disturbed. I do not know what I ought to do about it. I know that I might seek counsel with the papal court, but those men have bad consciences. As to my own feelings, it seems to me that the chicks in the egg are meat, since the body is already formed and shaped, and it has animal life. Quite the contrary with the matter of worms in cheese and in other foods, for worms are said to be fish, as I have learned from a physician, who is also a very capable scientist.

I earnestly beg you to answer my question. If you hold it to be a mortal sin, I must seek absolution before I go to Germany. You may know that our lord, Jakob van Hoogstraeten, borrowed a thousand florins from the bank; he may want to make something out of the case. May the devil take Johann Reuchlin and those other poets and lawyers, who are attempting to fight the Church of God—or, rather, the theologians who are the real backbone of the Church; as Christ said, "thou art Peter, and upon this rock I will build my Church."

My the Lord God preserve you. Farewell.

Written in the city of Rome.

22 The Personality of Martin Luther

There is a strong difference among historians on interpreting the personality of Martin Luther. His defenders speak of him as a kindly, home-loving, conscientious, open-hearted, sentimental German, who was devoted to his family, to poetry, and to music.

He is praised for his singleness of purpose, his constant recourse to prayer, his rare intellectual acumen, and his unfailing courage. His hard and rough controversial writings are explained by a reputed saying of Erasmus: "God in these last times, in which great and terrible diseases have prevailed, has given the world also a sharp physician." Luther was also described as a mighty prophet and spiritual hero.

Other historians point out that, completely unmindful of the consequences, Luther spoke out the first thoughts that came to him, that he was a man of violent and fierce passions, and that he was quarrelsome, malevolent, and belligerent. A. J. P. Taylor denounced Luther in these terms: "He created the German language, and he used his creation for attacking reason, for expressing hysteria. Like the Germans of a thousand years before and of four hundred years after, Luther was the barbarian who looks over the Rhine, at once the most profound expression and the decisive creator of German dualism." *

The vigor of Luther's controversial pen may be illustrated by an extract from his attack on Henry VIII. It was because of this "rude and angry" style that the careful scholar of Rotterdam, Erasmus, who, though he was one of the great forces producing the Reformation, broke with Luther and directed his satire at him. "May I be lost," wrote Erasmus, "if in all of Luther's works there is a single syllable of mine. . . ." Luther's vitriolic style, however, was exactly what his countrymen enjoyed; it reveals an important facet of the Reformation ferment in the Germanies.

Luther on Henry VIII †

If a king of England spits his impudent lies in my face, I have a right, in my turn, to throw them back down his very throat. If he blasphemes my sacred doctrines, if he casts his filth at the throne of my monarch, my Christ, he need not be astonished at my defiling, in like manner, his royal diadem, and proclaiming him, king of England though he be, a liar and a rascal. . . .

* A. J. P. Taylor, *The Course of German History* (New York, 1946), p. 21.

† M. Michelet, *The Life of Luther Written by Himself*, translated by M. Hazlitt (London, 1898), pp. 123-126, *passim*.

King Henry justifies the proverb: Kings and Princes are fools. Who sees not the hand of God in the blindness and imbecility of this man? I shall say very little more about him at present, for I have the Bible to translate, and other important matters to attend to, on some future occasion, God willing, when I shall be more at leisure, I will reply at greater length to this royal driveler of lies and poison. . . . I imagine that he set about his book by way of penance, for his conscience is ever smiting him for having stolen the crown of England, making way for himself by murdering the last scion of the royal line, and corrupting the blood of the kings of England. . . .

Hal and the Pope have exactly the same legitimacy: The Pope stole his tiara, as the king did his crown; and therefore it is, they are as thick together as two mules in harness. . . .

As to myself, as to the words of the fathers, of men, of angels, of devils, I oppose, not old customs, nor the multitude of men, but the Word of Eternal Majesty, that gospel which my adversaries themselves are compelled to recognize. . . .

I am sure that my doctrines proceed from heaven. I have made them triumph against him who, in his little finger, has more force and cunning than all the popes, all the kings, and all the doctors that ever were. My dogmas will stand, and the Pope will fall, despite all the gates of hell, all the powers of the air, of the earth, of the sea. They have challenged me to war. Well, they shall have war. They have contemptuously rejected the peace I offered them; they shall not have peace. God will see which of us will soonest cry quarter, the Pope or I. . . .

23 *The Ninety-Five Theses, 1517*

In 1508, the twenty-five-year-old Martin Luther, then an Augustinian friar, was called to the University of Wittenberg, which had been recently established by Frederick the Wise of Saxony. Luther's career as a teacher of philosophy was interrupted in 1511 by a journey to Rome, where he was deeply shocked by the many abuses he observed. Nevertheless, he returned to his university a pious Catholic, with no other thought than to campaign for

reform, as many others had done before him. A train of events now started, which forced him into action and threw upon him the leadership of the whole movement of reform that had existed for centuries. Although appointed in 1515 to the office of district vicar and placed in charge of eleven monasteries of his order, he began to have serious doubts about many practices of the Church, particularly in the matter of indulgences.

According to Catholic doctrine, a priest, acting as the instrument of God, had the right to forgive the sins of a contrite sinner who had confessed before him. Such absolution freed the sinner from guilt, but did not absolve him from the penalties which God, or his representative, the priest, imposed. It was, therefore, necessary for the sinner to obtain an indulgence, remitting him from the temporal punishment awaiting him in purgatory. By obtaining an indulgence, which might be full (plenary) or partial, the sinner could avoid or mitigate his punishment.

Since the need of the public was great, the granting of indulgences assumed enormous proportions, and the income of the Church was proportionately large. In 1515, Pope Leo X ordered the granting of indulgences, professedly to raise funds for the rebuilding of St. Peter's. Albrecht of Brandenburg, Archbishop of Mayence, was to get half the proceeds to pay his debts to the Fugger banking house. Johann Tetzel, a Dominican monk, was entrusted with the task of dispensing these indulgences in Albrecht's territory. In his eagerness to obtain as much money as possible, Tetzel sold the indulgences carelessly, without first insisting upon the penitence of the buyer.

Shocked by the activities of this "ignorant and impudent friar," Luther, according to academic custom, posted his famous *Ninety-Five Theses* on the doors of the Schlosskirche at Wittenberg on October 31, 1517. The effect was electric. Within a fortnight, the *Ninety-Five Theses* were disseminated throughout the Germanies, kindling the popular imagination in heated controversies. It became clear that this was no ordinary monkish quarrel, but that, on the contrary, the first great move in the rupture of the Church had taken place.

Extracts from Luther's Ninety-Five Theses, October 31, 1517 *

Disputation of Dr. Martin Luther Concerning Indulgences

In the desire and with the purpose of elucidating the truth, a disputation will be held on the underwritten propositions at Wittenberg, under the presidency of the Reverend Father Martin Luther, monk of the order of St. Augustine, Master of Arts and of Sacred Theology, and ordinary lecturer in the same at that place. He therefore asks those who cannot be present and discuss the subject with us orally to do so by letter in their absence. In the name of our Lord Jesus Christ. Amen.

1. Our Lord and Master Jesus Christ in saying "Repent ye" [*poenitentiam agite*], etc., intended that the whole life of believers should be penitence [*poenitentia*].

2. This word cannot be understood as sacramental penance, that is, the confession and satisfaction which are performed under the ministry of priests.

3. It does not, on the other hand, refer solely to inward penitence; nay, such inward penitence is naught, unless it outwardly produces various mortifications of the flesh.

4. The penalty [for sin] must thus continue as long as the hatred of self—that is, true inward penitence; namely, till our entrance into the kingdom of heaven.

5. The Pope has neither the will nor the power to remit any penalties except those which he has imposed by his own authority, or by that of the canons.

6. The Pope has no power to remit any guilt, except by declaring and warranting it to have been remitted by God; or at most by remitting cases reserved for himself; in which cases, if his power were despised, guilt would certainly remain.

7. Certainly God remits no man's guilt without at the same time subjecting him, humbled in all things, to the authority of his representative, the priest. . . .

20. Therefore the Pope, when he speaks of the plenary remission of all penalties, does not mean really of all, but only of those imposed by himself.

21. Thus those preachers of indulgences are in error who say that

* *Luthers Werke* (Erlangen, 1828–1870), translated and edited by H. Wace and C. A. Buckheim in *First Principles of the Reformation* (Philadelphia, 1885), pp. 6–14.

by the indulgences of the Pope a man is freed and saved from all punishment.

22. For in fact he remits to souls in purgatory no penalty which they would have had to pay in this life according to the canons.

23. If any entire remission of all penalties can be granted to anyone, it is certain that it is granted to none but the most perfect, that is, to very few.

24. Hence the greater part of the people must needs be deceived by this indiscriminate and high-sounding promise of release from penalties. . . .

27. They preach mad, who say that the soul flies out of purgatory as soon as the money thrown into the chest rattles.

28. It is certain that when the money rattles in the chest, avarice and gain may be increased, but the suffrage of the Church depends on the will of God alone. . . .

32. Those who believe that, through letters of pardon, they are made sure of their own salvation, will be eternally damned along with their teachers.

33. We must especially beware of those who say that these pardons from the Pope are that inestimable gift of God by which man is reconciled to God.

34. For the grace conveyed by these pardons has respect only to the penalties of sacramental satisfaction, which are of human appointment.

35. They preach no Christian doctrine, who teach that contrition is not necessary for those who buy souls out of purgatory or buy confessional licenses.

36. Every Christian who feels true compunction has of right plenary remission of pain and guilt, even without letters of pardon.

37. Every true Christian, whether living or dead, has a share in all the benefits of Christ and of the Church, given him by God, even without letters of pardon. . . .

39. It is a very difficult thing, even for the most learned theologians, to exalt at the same time, in the eyes of the people, the ample effect of pardons and the necessity of true contrition. . . .

42. Christians should be taught that it is not the mind of the Pope that the buying of pardons is to be in any way compared to works of mercy.

43. Christians should be taught that he who gives to a poor man, or lends to a needy man, does better than if he bought pardons. . . .

50. Christians should be taught that if the Pope were acquainted

with the exactions of the preachers of pardons, he would prefer that the basilica of St. Peter should be burnt to ashes, than that it should be built up with the skin, flesh, and bones of his sheep. . . .

52. Vain is the hope of salvation through letters of pardon, even if a commissary—nay, the Pope himself—were to pledge his own soul for them . . .

56. The treasures of the Church, whence the Pope grants indulgences, are neither sufficiently named nor known among the people of Christ.

57. It is clear that they are at least not temporal treasures, for these are not so readily lavished, but only accumulated, by many of the preachers.

58. Nor are they the merits of Christ and of the saints, for these, independently of the Pope, are always working grace to the inner man, and the cross, death, and hell to the outer man. . . .

62. The true treasure of the Church is the Holy Gospel of the glory and grace of God. . . .

63. This treasure, however, is naturally most hateful, because it makes the first to be last;

64. While the treasure of indulgences is naturally most acceptable, because it makes the last to be first.

65. Hence the treasures of the Gospel are nets, wherewith of old they fished for the men of riches.

66. The treasures of indulgences are nets, wherewith they now fish for the riches of men. . . .

75. To think that Papal pardons have such power that they could absolve a man even if—by an impossibility—he had violated the Mother of God, is madness.

76. We affirm on the contrary that papal pardons cannot take away even the least of venial sins, as regards its guilt. . . .

81. This license in the preaching of pardons makes it no easy thing, even for learned men, to protect the reverence due to the Pope against the calumnies, or, at all events, the keen questionings of the laity.

82. As, for instance: Why does not the Pope empty purgatory for the sake of his most holy charity and of the supreme necessity of souls—this being the most just of all reasons—if he redeems an infinite number of souls for the sake of that most fatal thing, money, to be spent on building a basilica—this being a very slight reason?

83. Again: Why do funeral masses and anniversary masses for the deceased continue, and why does not the Pope return, or permit

the withdrawal of, the funds bequeathed for this purpose, since it is a wrong to pray for those who are already redeemed? . . .

86. Again: Why does not the Pope, whose riches are at this day more ample than those of Croesus, build the basilica of St. Peter with his own money rather than with that of poor believers? . . .

88. Again: What greater good could the Church receive than if the Pope were to bestow these remissions and participations a hundred times a day, instead of once, as he does now, on any one of the faithful?

90. To repress these scruples and arguments of the laity by force alone, and not to solve them by giving reasons, is to expose the Church and the Pope to the ridicule of their enemies, and to make Christian men unhappy.

91. If, then, pardons were preached according to the spirit and wish of the Pope, all these questions would be solved with ease; nay, would not exist.

92. Away then with all those prophets who say to the people of Christ: "Peace, peace," and there is no peace.

93. Blessed be all those prophets who say to the people of Christ: "The cross, the cross," and there is no cross.

94. Christians should be exhorted to strive to follow Christ their head through pains, deaths, and hells.

95. And thus trust to enter heaven through many tribulations, rather than in the security of peace.

24 Luther's Three Treatises of 1520

During the next few years, Luther was led step by step, against his original intention, to a complete repudiation of the system in which he had been educated. In 1520, he published three popular pamphlets as a means of stating his case before the country. The first, entitled *Address to the Christian Nobility of the German Nation*, called upon the princes of the Germanies to unite and destroy the power of the papacy. Sometimes called the political and social manifesto of the Lutheran Reformation,

this treatise was, in effect, a declaration of independence from the papacy. In explicit and incisive German prose, Luther expressed the convictions and prejudices of the German nation. He urged the princes to break down the three walls of defense against reform set up by the "Romanists": first, the proposition that the temporal authority had no control over the spiritual; second, that no one except the Pope might interpret the Scriptures; and third, that only the Pope might call a Church council. Then followed a series of proposals for reform.

Luther's second pamphlet, *The Babylonian Captivity of the Church*, subjected the entire system of the Seven Sacraments to attack. Luther rejected all the sacraments except two, Baptism and the Lord's Supper, though he granted that Penance might have some value.

The third tract, *On Christian Liberty*, was devoted to a simple exposition of Luther's proposition that every man is his own priest. A Christian, in Luther's eyes, was a free lord over all things, and subject to no man. The soul, he said, needs only the Holy Gospel, the Word of God preached by Christ. Faith alone, without works, makes righteous, and through faith all believers are priests.

Though many details were added later to the Lutheran system, the broad outlines were expounded in these three treatises. Pope Leo X was disposed, at first, to treat Luther's defection lightly, but he soon realized that the pen of the German heretic was shaking the Church to its very foundations. On June 15, 1520, he sent Luther's adversary, Eck, to the Germanies with a papal bull of excommunication, in which Luther was called upon to recant or face the wrath of the highest power in Christendom. On December 10, 1520, Luther, surrounded by his students and colleagues, ceremoniously committed the papal bull to the flames with the words: "As thou [the Pope] hast troubled the Holy One of the Lord, may the eternal fire trouble and consume thee!" This act marked a categorical break with the Church, which now faced the most powerful rebellion in its history.

I *Address to the Christian Nobility of the German Nation
Respecting the Reformation of the Christian Estate* *

The time for silence is gone, and the time to speak has come, as we read in Ecclesiastes (3:7). I have, in conformity with our resolve, put together some few points concerning the reformation of the Christian estate, with the intent of placing the same before the Christian nobility of the German nation, in case it may please God to help His Church by means of the laity, inasmuch as the clergy, whom this task rather befitted, have become quite careless. . . .

It is not out of mere arrogance and perversity that I, an individual poor man, have taken upon me to address your lordships. The distress and misery that oppress all the Christian estates, more especially in Germany, have led not only myself, but every one else, to cry aloud and to ask for help, and have now forced me too to cry out and to ask if God would give His Spirit to any one to reach a hand to His wretched people. Councils have often put forward some remedy, but it has adroitly been frustrated, and the evils have become worse, through the cunning of certain men. Their malice and wickedness I will now, by the help of God, expose, so that, being known, they may henceforth cease to be so obstructive and injurious. . . .

The Romanists have, with great adroitness, drawn three walls round themselves, with which they have hitherto protected themselves, so that no one could reform them, whereby all Christendom has fallen terribly.

Firstly, if pressed by the temporal power, they have affirmed and maintained that the temporal power has no jurisdiction over them, but on the contrary, that the spiritual power is above the temporal.

Secondly, if it were proposed to admonish them with the Scriptures, they objected that no one may interpret the Scriptures but the Pope.

Thirdly, if they are threatened with a council, they pretend that no one may call a council but the Pope. . . .

Now may God help us, and give us one of those trumpets that overthrew the walls of Jericho, so that we may blow down these walls of straw and paper, and that we may set free our Christian rods for the chastisement of sin, and expose the craft and deceit of the devil, so that we may amend ourselves by punishment and again obtain God's favor.

* Wace and Buckheim, *First Principles of the Reformation*, pp. 159-239, *passim*.

The First Wall

THAT THE TEMPORAL POWER HAS NO JURISDICTION OVER THE SPIRITUALITY. . . .

It has been devised that the Pope, bishops, priests, and monks are called the *spiritual estate*, princes, lords, artificers, and peasants are the *temporal estate*. This is an artful lie and hypocritical device, but let no one be made afraid by it, and that for this reason: that all Christians are truly of the spiritual estate, and there is no difference among them, save of office alone. . . .

It follows . . . that between laymen and priests, princes and bishops, or, as they call it, between spiritual and temporal persons, the only real difference is one of office and function, and not of estate, for they are all of the same spiritual estate, true priests, bishops, and popes, though their functions are not the same—just as among priests and monks every man has not the same functions. . . . Therefore I say: Forasmuch as the temporal power has been ordained by God for the punishment of the bad and the protection of the good, therefore we must let it do its duty throughout the whole Christian body, without respect of persons, whether it strike popes, bishops, priests, monks, nuns, or whoever it may be.

The Second Wall

THAT NO ONE MAY INTERPRET THE SCRIPTURES BUT THE POPE

The second wall is even more tottering and weak: that they alone pretend to be considered masters of the Scriptures; although they learn nothing of them all their lives. They assume authority, and juggle before us with impudent words, saying that the Pope cannot err in matters of faith, whether he be evil or good, albeit they cannot prove it by a single letter. . . . We will quote the Scriptures. St. Paul says, "If any thing be revealed to another that sitteth by, let the first hold his peace" (I Cor. 14:30). What would be the use of this commandment, if we were to believe him alone that teaches or has the highest seat? Christ Himself says, "And they shall be all taught of God" (John 6:45). Thus it may come to pass that the Pope and his followers are wicked and not true Christians, and not being taught by God, have no true understanding, whereas a common man may have true understanding. Why should we then not follow him? Has not the Pope often erred? . . .

Therefore it is a wickedly devised fable—and they cannot quote a single letter to confirm it—that it is for the Pope alone to interpret

the Scriptures or to confirm the interpretation of them. They have assumed the authority of their own selves. And though they say that this authority was given to St. Peter when the keys were given to him, it is plain enough that the keys were not given to St. Peter alone, but to the whole community.

The Third Wall

THAT NO ONE MAY CALL A COUNCIL BUT THE POPE

The third wall falls of itself, as soon as the first two have fallen; for if the Pope acts contrary to the Scriptures, we are bound to stand by the Scriptures, to punish and to constrain him, according to Christ's commandment, "Moreover, if thy brother shall trespass against thee, go and tell him his fault between thee and him alone; if he shall hear thee, thou hast gained thy brother. But if he will not hear *thee*, *then* take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell *it* unto the Church; but if he neglect to hear the Church, let him be unto thee as an heathen man and a publican" (Matt. 18:15-17). Here each member is commanded to take care for the other; much more then should we do this, if it is a ruling member of the community that does evil, which by its evil-doing causes great harm and offense to the others. If then I am to accuse him before the Church, I must collect the Church together. . . .

Let us now consider the matters which should be treated in the councils, and with which popes, cardinals, bishops, and all learned men should occupy themselves day and night, if they love Christ and His Church. . . .

1. It is a distressing and terrible thing to see that the head of Christendom, who boasts of being the vicar of Christ and the successor of St. Peter, lives in a worldly pomp that no king or emperor can equal. . . .

2. What is the use in Christendom of the people called "cardinals"? I will tell you. In Italy and Germany there are many rich convents, endowments, fiefs, and benefices, and as the best way of getting these into the hands of Rome, they created cardinals, and gave them the sees, convents, and prelacies, and thus destroyed the service of God. That is why Italy is almost a desert now. . . .

What has brought us Germans to such a pass that we have to suffer this robbery and this destruction of our property by the Pope? . . .

Long ago the emperors and princes of Germany allowed the Pope to claim the *annates* from all German benefices; that is, half of the

first year's income from every benefice. The object of this concession was that the Pope should collect a fund with all this money to fight against the Turks and infidels, and to protect Christendom, so that the nobility should not have to bear the burden of the struggle alone, and that the priests should also contribute. The popes have made such use of this good simple piety of the Germans that they have taken this money for more than one hundred years, and have now made of it a regular tax . . . [for] posts and offices at Rome. . . .

Now though I am too lowly to submit articles that could serve for the reformation of these fearful evils, I will yet sing out my fool's song, and will show, as well as my wit will allow, what might and should be done by the temporal authorities or by a general council.

1. Princes, nobles, and cities should promptly forbid their subjects to pay the *annates* to Rome and should even abolish them altogether. . . .

3. It should be decreed by an imperial law that no episcopal cloak and no confirmation of any appointment shall for the future be obtained from Rome. The order of the most holy and renowned Nicene Council must again be restored, namely that a bishop must be confirmed by the two nearest bishops or by the archbishop. . . .

9. The Pope should have no power over the Emperor, except to anoint and crown him at the altar, as a bishop crowns a king. . . .

14. We see also . . . how many a poor priest is encumbered with a woman and children and burdened in his conscience, and no one does anything to help him . . . therefore I say: According to the ordinances of Christ and His Apostles, every town should have a minister or bishop, as St. Paul plainly says (Titus 1), and this minister should not be forced to live without a lawful wife, but should be allowed to have one, as St. Paul writes, saying: "A bishop then must be blameless, the husband of one wife . . . having his children in subjection with all gravity" (I Tim. 3). . . .

25. The universities also require a good, sound reformation. I must say this, let it vex whom it may. The fact is that whatever the papacy has ordered or instituted is only designed for the propagation of sin and error. . . .

27. Let this be enough about the faults of the spiritual estate . . . we must now consider the effects of the temporal estates. In the first place, we require a general law and consent of the German nation against profusion and extravagance in dress, which is the cause of so much poverty among the nobles and the people. Surely God has given to us, as to other nations, enough wool, fur, flax, and whatever else is required for the decent clothing for every class; and it cannot be

necessary to spend such enormous sums for silk, velvet, cloth of gold, and all other kinds of outlandish stuff.

II *The Babylonian Captivity of the Church* *

. . . To begin. I must deny that there are seven sacraments, and must lay it down, for the time being, that there are only three, Baptism, Penance, and the Bread, and that by the Court of Rome all these have been brought into miserable bondage, and the Church despoiled of all her liberty. And yet, if I were to speak according to the usage of Scripture, I should hold that there was only one sacrament, and three sacramental signs. . . .

It has seemed best, however, to consider as sacraments, properly so called, those promises which have signs annexed to them. The rest, as they are not attached to signs, are simple promises. It follows that, if we speak with perfect accuracy, there are only two sacraments in the Church of God, Baptism and the Bread; since it is in these alone that we see both a sign divinely instituted and a promise of remission of sins. The sacrament of Penance, which I have reckoned along with these two, is without any visible and divinely appointed sign; and is nothing else, as I have said, than a way and means of return to Baptism. Not even the Schoolmen can say that Penitence agrees with their definition; since they themselves ascribe to every sacrament a visible sign, which enables the senses to apprehend the form of that effect which the sacrament works invisibly. Now Penitence or Absolution has no such sign; and therefore they will be compelled by their own definition either to say that Penitence is not one of the sacraments, and thus to diminish their number, or else to bring forward another definition of a sacrament.

Baptism, however, which we have assigned to the whole of life, will properly suffice for all the sacraments which we are to use in life; while the Bread is truly the sacrament of the dying and departing, since in it we commemorate the departure of Christ from this world, that we may imitate Him. Let us then so distribute these two sacraments that Baptism may be allotted to the beginning and to the whole course of life, and the Bread to its end and to death; and let the Christian, while in this vile body, exercise himself in both, until, being fully baptized and strengthened, he shall pass out of this world, as one born into a new and eternal life, and destined to eat with Christ in the kingdom of His Father, as He promised at the Last

* Wace and Buckheim, *First Principles of the Reformation*, pp. 147, 243-244.

Supper, saying: "I say unto you, I will not drink of the fruit of the vine until the kingdom of God shall come" (Luke 22:18). Thus it is evident that Christ instituted the sacrament of the Bread that we might receive the life which is to come; and then, when the purpose of each sacrament shall have been fulfilled, both Baptism and the Bread will cease.

III On Christian Liberty *

. . . That I may open, then, an easier way for the ignorant—for these alone I am trying to serve—I first lay down these two propositions, concerning spiritual liberty and servitude.

A Christian man is the most free lord of all, and subject to none; a Christian man is the most dutiful servant of all, and subject to everyone.

Although these statements appear contradictory, yet when they are found to agree together, they will be highly serviceable to my purpose. They are both the statements of Paul himself, who says: "Though I be free from all *men*, yet have I made myself servant unto all" (I Cor. 9:19), and: "Owe no man anything, but to love one another" (Rom. 13:8). Now love is by its own nature dutiful and obedient to the beloved object. Thus even Christ, though Lord of all things, was yet made of a woman; made under the law; at once free and a servant; at once in the form of God and in the form of a servant.

Let us examine the subject on a deeper and less simple principle. Man is composed of a twofold nature, a spiritual and a bodily. As regards the spiritual nature, which they name the soul, he is called the spiritual, inward, new man; as regards the bodily nature, which they name the flesh, he is called the fleshly, outward, old man. The Apostle speaks of this: "Though our outward man perish, yet the inward *man* is renewed day by day" (II Cor. 4:16). The result of this diversity is that in the Scriptures opposing statements are made concerning the same man; the fact being that in the same man these two men are opposed to one another; the flesh lusting against the spirit, and the spirit against the flesh (Gal. 5:17). . . .

And so it will profit nothing that the body should be adorned with sacred vestments, or dwell in holy places, or be occupied in sacred offices, or pray, fast, and abstain from certain meats, or do whatever works can be done through the body and in the body. Something widely different will be necessary for the justification and liberty of the

* Wace and Buckheim, *First Principles of the Reformation*, pp. 104-125, *passim*.

soul, since the things I have spoken of can be done by any impious person, and only hypocrites are produced by devotion to these things. On the other hand, it will not at all injure the soul that the body should be clothed in profane raiment, should dwell in profane places, should eat and drink in the ordinary fashion, should not pray aloud, and should leave undone all the things above-mentioned, which may be done by hypocrites. . . .

Let us hold it for certain and firmly established that the soul can do without everything, except the Word of God, without which none at all of its wants are provided for. But, having the Word it is rich and wants for nothing; since that is the word of life, of truth, of light, of peace, of justification, of salvation, of joy, of liberty, of wisdom, of virtue, of grace, of glory, and of every good thing. It is on this account that the prophet in a whole psalm (Ps. cxix), and in many other places, sighs for and calls upon the Word of God with so many groanings and words. . . .

But you will ask: "What is this Word, and by what means is it to be used, since there are so many words of God?" I answer, the Apostle Paul (Rom. 1) explains what it is, namely, the Gospel of God, concerning His Son, incarnate, suffering, risen, and glorified through the Spirit, the sanctifier. To preach Christ is to feed the soul, to justify it, to set it free, and to save it, if it believes the preaching. For faith alone, and the efficacious use of the Word of God, bring salvation. "If thou shalt confess with thy mouth the Lord Jesus, and shalt believe in thine heart that God hath raised him from the dead, thou shalt be saved" (Rom. 10:9). And again: "Christ is the end of the law for righteousness to every one that believeth" (Rom. 10:4). And: "The just shall live by faith" (Rom. 1:17). For the Word of God cannot be received and honored by any works, but by faith alone. Hence it is clear that, as the soul needs the Word alone for life and justification, so it is justified by faith alone and not by any works. For if it could be justified by any other means, it would have no need of the Word, nor consequently of faith. . . .

. . . The first care of every Christian ought to be, to lay aside all reliance on works, and strengthen his faith alone more and more, and by it grow in the knowledge, not of works, but of Christ Jesus, who has suffered and risen again for him; as Peter teaches, when he makes no other work to be a Christian one. Thus Christ, when the Jews asked Him what they should do that they might work the works of God, rejected the multitude of works, with which He saw that they were puffed up, and commanded them one thing only, saying: "This

is the work of God, that ye believe on him whom He hath sent, for him hath God the Father sealed" (John 6:27, 29).

Hence a right faith in Christ is an incomparable treasure, carrying with it universal salvation, and preserving from all evil, as it is said: "He that believeth and is baptized shall be saved; but he that believeth not shall be damned" (Mark 16:16). Isaiah, looking to this treasure, predicted: "The consumption decreed shall overflow with righteousness. For the Lord God of hosts shall make a consumption, even determined, in the midst of the land" (Is. 10:22, 23). As if he said: "Faith, which is the brief and complete fulfilling of the law, will fill those who believe with such righteousness, that they will need nothing else for justification." Thus too Paul says: "For with the heart man believeth unto righteousness" (Rom. 10:10).

But you ask how it can be the fact that faith alone justifies, and affords without works so great a treasure of good things, when so many works, ceremonies, and laws are prescribed to us in the Scriptures. I answer: Before all things bear in mind what I have said, that faith alone without works justifies, sets free, and saves. . . .

These two things stand thus. First, as regards kingship, every Christian is by faith so exalted above all things, that, in spiritual power, he is completely lord of all things; so that nothing whatever can do him any hurt; yea, all things are subject to him, and are compelled to be subservient to his salvation. Thus Paul says: "All things work together for good to them who are the called" (Rom. 8:28); and also: "Whether life, or death, or things present, or things to come: all are yours; and ye are Christ's" (I Cor. 3:22,23).

Not that in the sense of corporeal power any one among Christians has been appointed to possess and rule all things, according to the mad and senseless idea of certain ecclesiastics. That is the office of kings, princes, and men upon earth. In the experience of life we see that we are subjected to all things, and suffer many things, even death. Yea, the more of a Christian any man is, to so many the more evils, sufferings, and deaths is he subject; as we see in the first place in Christ the first-born, and in all His holy brethren. . . .

And now let us turn to the other part, to the outward man. Here we shall give an answer to all those who, taking offense at the word of faith and at what I have asserted, say: "If faith does everything, and by itself suffices for justification, why then are good works commanded? Are we then to take our ease and do no works, content with faith?" Not so, impious men, I reply; not so. That would indeed really be the case, if we were thoroughly and completely inner and spiritual

persons; but that will not happen until the last day, when the dead shall be raised. As long as we live in the flesh, we are but beginning and making advances in that which shall be completed in a future life. On this account the Apostle calls that which we have in this life, the first fruits of the Spirit (Rom. 8:23). In future we shall have the tenths, and the fullness of the Spirit. To this part belongs the fact I have stated before, that the Christian is the servant of all and subject to all. For in that part in which he is free, he does no works, but in that in which he is a servant, he does all works. Let us see on what principle this is so. . . .

True are these two sayings: Good works do not make a good man, but a good man does good works. Bad works do not make a bad man, but a bad man does bad works. Thus it is always necessary that the substance or person should be good before any good works can be done, and that good works should follow and proceed from a good person. As Christ says: "A good tree cannot bring forth evil fruit, neither *can* a corrupt tree bring forth good fruit" (Matt. 7:18). Now it is clear that the fruit does not bear the tree, nor does the tree grow on the fruit; but, on the contrary, the trees bear the fruit and the fruit grows on the trees. . . .

Here is the truly Christian life; here is faith really working by love; when a man applies himself with joy and love to the works of that freest servitude, in which he serves other voluntarily and for naught; himself abundantly satisfied in the fullness and riches of his own faith.

25 Luther Before the Diet of Worms, 1521

In 1521, the young Holy Roman Emperor-elect, Charles V, who might have been able to check Luther in the beginning of his revolt, was too preoccupied with the affairs of his vast realm to halt the fast developing crisis. He summoned Luther to give an account of his position before the Diet of Worms. Charles, together with the various princes through whose territory the Wittenberg monk would pass, gave Luther letters of safe-conduct.

The first selection below gives Luther's own account of his

journey to Worms. It was almost a triumphal procession. By this time Luther had become a national hero and already enjoyed wide support. The second selection describes, in Luther's own words, his appearance before the brilliant assembly of the Emperor, princes, nobles, and dignitaries of the German Church. Here he declared plainly that he was the author of the heretical books put on display. "Luther at Worms," wrote Lord Acton, "is the most important and pregnant fact in our history, for there he defied all authority, Pope, council, and Emperor alike." The third selection gives a portion of Charles V's speech, in which he professed himself appalled by Luther's "stiff-necked reply," and informed the diet that he would stake upon his imperial cause all his dominions, his friends, his body and blood, and his life and soul.

I Luther's Journey to Worms *

The herald summoned me on the Tuesday in Holy Week, and brought me safe-conducts from the Emperor, and from several princes. On the very next day, Wednesday, these safe-conducts were, in effect, violated at Worms, where they condemned and burned my writings. News of this reached me when I was at Worms. In fact, the condemnation had already been published in every town, so that the herald himself asked me whether I still intended to go to Worms.

Though, in truth I was physically afraid and trembling, I replied to him: "I will repair thither, though I should find there as many devils as there are tiles on the house tops." When I arrived at Oppenheim, near Worms, Master Bucer came to see me, and tried to discourage me from entering the city. He told me that Glapion, the Emperor's confessor, had been to see him, and had begged him to warn me not to go to Worms, for, if I did, I should be burned.

II Luther's Reply to the Diet †

Since Your Imperial Majesty and Your Highnesses insist upon a simple reply, I shall give you one—brief and simple but deprived

* M. Michelet, *The Life of Luther Written by Himself*, translated by W. Hazlitt (London, 1898), pp. 79–80.

† *Ibid.*, p. 89.

neither of teeth nor horns. Unless I am convicted of error by the testimony of Scripture (for I place no faith in the mere authority of the Pope, or of councils, which have often erred, and which have often contradicted one another, recognizing, as I do, no other guide but the Bible, the Word of God), I cannot and will not retract, for we must never act contrary to our conscience.

Such is my profession of faith. Expect none other from me. I have done: God help me! Amen!

III Charles V's Speech *

My predecessors, the most Christian Emperors of the German race, the Austrian archdukes, and dukes of Burgundy, were truest sons of the Catholic Church until they died, defending and extending their belief to the glory of God, the propagation of the faith, and the salvation of their souls. Behind them they have left the holy Catholic rites so that I should live and die in them. Until now I have lived with the help of God as a Christian Emperor. It is my privilege to maintain what my forefathers established at Constance and other councils.

A single monk, led astray by private judgment, has set himself against the faith held by all Christians for more than a thousand years. He believes that all Christians up to now have erred. Therefore, I have resolved to stake upon this cause all my dominions, my friends, my body and blood, my life and soul.

We are sprung from the holy German nation and appointed by peculiar privilege to be defenders of the faith. It would be disgraceful, as well as an eternal stain upon us and our posterity, if in this day and age not only heresy but also the very suspicion of it were to result from our neglect.

After Luther's stiff-necked reply in my presence yesterday, I am now sorry that I have so long delayed moving against him and his false doctrines. I have made up my mind never again, under any circumstances, to listen to him. Under protection of his safe-conduct he shall be escorted to his home. But he is forbidden to preach and to seduce men with his evil beliefs and incite them to rebellion. I warn you to give witness to your beliefs as good Christians and in consonance with your vows.

* E. Armstrong, *The Emperor Charles V* (London, 1902), I, 70.

26 The Peasants' Revolt, 1525

When he began his vitriolic attacks on the Roman Catholic Church, Martin Luther attracted the support of the German peasants by denouncing their feudal lords as "rascals, hangmen, rogues, and swindlers." The peasants, oppressed by merciless taxation and unbearable social conditions, found in Luther's preaching of "Christian liberty" a justification for a general social change and were inclined, in their simple way, to extend the religious revolt into a social revolution.

Luther, who all along had counted upon the nobles for support in his attacks upon the Church, became alarmed by the extent of the rebellions. Characteristically, he spoke out loudly: "It is right and lawful to slay at the first opportunity a rebellious person. Whoever can, should smite, strangle, and stab, secretly or publicly, and should remember that there is nothing more poisonous, pernicious, and devilish than a rebellious man. *Just as one must slay a mad dog, so, if you do not fight the rebels, they will fight you, and the whole country with you.*" To the princes he offered an enticing reward: "Upon such strange times a prince may more easily win heaven by the shedding of blood, than others by prayer." He was taken at his word. The nobles put down the revolt with ferocious savagery, and peasants and workers, once more, sank into hopeless misery.

The following running account of the revolt is condensed and adapted from the eyewitness diary of Michael Eisenhart, a citizen of Rothenburg on Tauber.

An Eyewitness Account *

On Tuesday, March 21st, some thirty or forty peasants gathered together in a mob in Rothenburg, bought a kettledrum, and marched as many as four hundred.

* F. L. Baumann, *Quellen zur Geschichte des Bauernkriegs aus Rothenburg ob der Tauber* (Stuttgart, 1878), CXXXIX, *passim*.

The working classes in the town now begin to revolt. They refuse to obey the authorities and organize a committee of thirty-six to manage affairs.

March 24th: This evening between five and six o'clock someone knocked off the head of Christ's image on a crucifix and broke off the arms.

March 26th: Chrischainz, the baker, struck the missal from the priest's hand in the chapel of our Lady and chased the priest from mass.

The following Monday, while the priest was chanting "Adjuva nos, deus salutaris noster" at the service, Ernfried Kumpf spoke harshly to him, saying that if he wished to save himself he had best leave the altar. Kumpf then knocked the missal to the floor and drove the scholars from the choir.

On Tuesday night eight hundred peasants gathered together. Those who refused to come along were forced to do so.

On Friday there were as many as two thousand, camped near Neusitz. Messengers were sent into the town to present their demands. Meanwhile, representatives of the Emperor and the Swabian League arrived with the hope of making peace, but they rode away without accomplishing anything.

On this day Kueplein, during the sermon, threw the lighted oil lamps about the church. Some of the peasants came into Rothenburg and the nearby towns, plundering cupboards and cellars everywhere.

On Saturday the blind monk, Hans Rotfuchs, spoke contemptuously of the Holy Sacrament, saying that it was idolatry and heresy.

April 18th: There is a struggle between Kueplein and his followers, on the one hand, who seek to destroy a picture of the Virgin, and the pious old Christians, on the other, who want to protect it. Some of the antagonists draw knives.

April 19th: The peasants take three casks of wine from the priest at Scheckenpach and drink the wine.

April 20th: The women run up and down Hafengasse with forks and sticks, loudly declaring that they will plunder the priests' homes, but they are prevented.

April 26th: Lorenz Knobloch is cut to pieces by the peasants at Ostheim. Then they throw pieces of his body at one another. They accuse him of having been a traitor and say that he wanted to mislead them. He had said that he would not die until he had killed three priests, but, thank God, not one fell into his hands.

April 30th: The monasteries of Anhausen and Dinkelsbühl are plundered and burned in the night.

May 6th: Early in the morning the great bell rang three times, summoning the people to hear a message from Margrave Casimir. All were invited to take refuge in Rothenburg. The greater part refused. Some were noted by the margrave's representative, and afterward lost their heads.

May 12th: The clergy is forced to take up arms like all the rest. All monks are compelled to lay aside their cowls and the nuns their veils.

May 21st: Certain Hohenlohe peasants burn their lord's castle.

On the next Monday Margrave Casimir subdues the peasants and begins to punish them.

Hans Krelein the older, priest at Wernitz, is beheaded with four peasants.

Seven have their fingers cut off.

At Kitzingen fifty-eight have their eyes put out and are forbidden to enter the town again.

On Friday before Whitsuntide the forces of the Swabian League slay four thousand peasants at Königshofen.

On Monday after Whitsuntide eight thousand peasants are killed by the troops of the league. In all these battles the league lost not over one hundred and fifty men.

June 17th: Vespers, complines, and matins are once more sung.

June 30th: The citizens of Rothenburg are summoned to the market place by a herald and surrounded by pikemen. They are accused of deserting the Empire and joining the peasants. The names of a number of citizens are read off. They are beheaded on the spot. Their bodies are left on the market place all day.

July 1st: Fifteen more are beheaded, including the blind monk. All these died without confession or even the Last Sacrament. They did not even ask for it.

27 Post-Reformation Science

In the Germanies of the later Middle Ages, as well as in the rest of Europe, science was considered to be a useful preliminary



1547 THE GERMANIES AT THE REFORMATION

- HAPSBURG POSSESSIONS
- ECCLESIASTICAL STATES
- IMPERIAL CITIES
- ARCHBISHOPRICS
- BISHOPRICS

to theology. "Scientists" sought for objects like the *elixir vitae* to insure longer life and for the philosopher's stone as a means of transmuting the baser metals into gold. Superstition was often confused with science. In the laboratories of the alchemists and the astrologers it was believed that wonders could be wrought with the aid of demons, that incantations were of value in invoking spirits, and that certain precious stones had strange, miraculous qualities. The miracle described below was popular in German literature of the day.

The Miracle of the Golden Tooth, c. 1593 *

Several extraordinary events are described as having happened in the year 1593. It is reported that a girl was born with two heads at the town of Wolmerstat in the bishopric of Münster; and another in October with one head and two bodies, near Frankfort on Oder.

Yet another phenomenon of nature happened in this year, more astonishing than the other two, such as had never before been seen but was attested by the public testimony of the Silesians. Christopher Müller, aged seven, born at Wegelsdorf, having when quite young lost his father, a poor but honest carpenter, was brought up by his mother in accordance with her circumstances. In his seventh year, when on his way to school with other children to learn to read, he lost a tooth and a gold one appeared in its place. A girl of his own age first noticed it, then the chief gentry and a large part of the Silesian nobility beheld this tooth with the utmost astonishment.

James Horst, professor of Medicine in the University of Helmstedt, having come to Wegelsdorf to cure a squire's son of fever, had Müller brought to him. Horst was convinced of the prodigy by seeing the gold of the tooth shining in the lower jaw. He felt it with his fingers, found it rounded, with a rough surface, having the four corners raised and the cavity the same as the molars, which it even surpassed in size. It was the last, well set, stable and firm, surrounded by a flexible reddish gum. He further made the child eat some food to see if this gold tooth was of use to eat with, and he found food on it. Then he made him rinse his mouth out, and having passed his touchstone over this tooth, he found that the gold was as pure as German and Hungarian gold.

* Jacques Auguste de Thou, *History of His Own Time*, translated by B. Wilson (London, 1730), XI, 634.

28 The Thirty Years' War, 1618–1648

The last and most destructive of the religious wars which followed the Protestant Revolt broke out in the Germanies. Although eventually it involved almost every important nation in Europe, the Thirty Years' War was fought almost entirely on German soil. Its causes may be summarized briefly as follows: (1) The Religious Peace of Augsburg (1555), instead of settling the issues between Catholicism and Protestantism, produced further bitter disputes. (2) With the renewal of its strength due to the Counter-Reformation, the Catholic Church was ready to take up the struggle again. (3) The Hapsburg dynasty, having failed thus far to pacify the Germanies, decided upon further intervention. (4) The struggle between France and Austria had not been concluded. (5) Ambitious European rulers were anxious to take advantage of the sharp decline in German trade and industry. These issues were complicated by rivalries among the Catholic, Lutheran, and Calvinist German princes, who agreed only in their opposition to the imperial authority.

The real losers in the Thirty Years' War were the German states, where the extent of the ruin, suffering, and desolation was said to be well-nigh incredible. It is claimed that villages were destroyed; the population was reduced; trade, industry, and agriculture suffered heavily; and the general level of culture sunk precipitously. German political unification and economic recovery were delayed for more than two hundred years.*

* Recent study has revealed that the destructive effects of the war have been greatly exaggerated. It is now believed that the decline in population in the Germanies was not one half, three fourths, or two thirds, as heretofore claimed, that many of the "destroyed" cities had already disappeared, and that the economic decline would have occurred even if there had been no war. The new opinion is that the war was but an incident in the general decline of the Germanies beginning in the sixteenth century.

The following list from Swedish archives gives an accounting of castles, towns, and villages which were burned chiefly by Swedish forces.

Destruction in the War

CASTLES, TOWNS, AND VILLAGES DESTROYED *

<i>Locality</i>	<i>Castles</i>	<i>Towns</i>	<i>Villages</i>
Pomerania, Mecklenburg, Holstein	203	307	2,041
Mark of Brandenburg	48	60	5,000
Meissen	96	155	1,386
Silesia	118	36	1,025
Moravia	63	22	333
Bohemia	215	80	813
Austria	51	23	313
Palatinate	109	106	807
Franconia	44	26	313
Voigtland and Thuringia	68	41	409
Merseburg, Halle, Magdeburg, Halberstadt, Hildesheim	217	103	1,105
Brunswick, Lüneburg, Bremen	50	38	406
Osnabrück, Minden, Paderborn, Vosges, Fulda, Welda	213	304	1,027
Westphalia	119	97	1,019
Cologne, Mayence, Trèves	327	205	2,033
Würzburg	15	10	80
Near Limburg and Switzerland	20	16	200
TOTAL	1,976	1,629	18,310

* This list does not include the almost incredible number in Muscovy, Livonia, Lithuania, Prussia, and Poland, nor the many thousands of convents and noble houses . . . which they sent up in flames. They can boast of their craft in benefiting their own realm by ruining iron foundries and mines on all sides.

Source: M. Schilling, *Quellenbuch zur Geschichte der Neuzeit* (Berlin, 1884), pp. 183-184.

29 The Peace of Westphalia, 1648

Several attempts were made during the course of the Thirty Years' War to end hostilities, but they were unsuccessful. By 1648, however, a general peace was agreed upon, settling the constitution of the Germanies as well as that of Europe. The peace marked the end of the medieval federation of *imperium* and *sacerdotium*, with Emperor and Pope as partners. The medieval unity of church-state government was now replaced definitely by the modern system of equal and independent territorial states.

Pope Innocent X promptly declared null and void all the articles in the Peace of Westphalia concerning religious matters. They were, he said, "invalid, iniquitous, unjust, condemned, rejected, frivolous, without force or effect."

The Peace of Westphalia consisted of two treaties, one signed at Münster and the other at Osnabrück. The texts run more than a hundred pages and are concerned mostly with provisions regarding church lands over which Catholics and Protestants had been struggling for centuries. The opening paragraphs of the Treaty of Osnabrück, reprinted below, reveal the spirit of the peace.

Opening of the Treaty of Osnabrück, October 24, 1648 *

In the name of the Holy and Indivisible Trinity. To all whom it may concern, let it be known:

When the divisions and disorders that began several years ago in the Roman Empire had progressed to such a point that not only all Germany but also some of the neighboring kingdoms, notably Sweden

* Jean Dumont, *Corps universel diplomatique du droit des gens, contenant un recueil des traités de paix . . . faits en Europe, depuis le règne de l'empereur Charlemagne jusqu'à présent* (The Hague, 1726-1731), VI, 469 ff.

be attributed to the opening of the world's highway and the new competition of the Dutch, English, and French. The world's commerce was shifting from the two centers of the late Middle Ages—the Mediterranean and the North Sea—to the Atlantic. In this vital change the Germans, without a seagoing fleet, were left behind, and, as a result, were not able to enter world-wide competition for trade until the nineteenth century.

**Bernhard Erdsmannsdörffer on Trade and Industry
after the Thirty Years' War ***

It is not correct to assume that the general deterioration of trade and industry was due solely to the Thirty Years' War; the roots of the difficulty lay deeper.

The general great transformation of world trade, which had been taking place since the fifteenth century, was very unfavorable for the economic position of Germany in the world. The mighty development of oceanic commerce, the business enterprise of the nations that took part in it, and the lack of German colonies, a German war fleet, and a unified German commercial policy, all these had made themselves felt in the sixteenth century. German commercial activity on a large scale was more and more surpassed by Dutchmen, Englishmen, and Frenchmen.

The Steel Yard, the old settlement of Hanseatic merchants, still stood in London, but it was only a monument of past greatness and domination; its importance had long since declined, thanks to the legal decrees of Queen Elizabeth. Since that time, the companies of English merchant adventurers had penetrated everywhere along the northern coasts up to Danzig, seizing the wholesale trade for themselves and conquering the German market for English industry. It was a counterblow made by England against Germany.

In much the same manner Sweden and Denmark freed themselves from the domination of the Hanseatic merchants, and both nations also took steps to transform themselves economically from a dominated position to one of domination; with their sound duties the Danes dominated "the channels of the Baltic"; the Swedes exercised an overwhelming preponderancy over the German coast.

Added to this was the development of Dutch commercial suprem-

* Adapted from Bernhard Erdsmannsdörffer, *Handel und Industrie in Deutschland nach dem Dreissigjährigen Kriege*, as quoted in Klaudius Bojunga, Anna Hoffa, and Fritz Sandman, *Lebensgut* (Frankfort on Main, 1936), pp 117-120.

acy since the end of the sixteenth century; from the mouth of the Rhine upwards, the Dutch gradually took over more and more control until all of west Germany was in their grip; their mighty war fleet lay in the Baltic, in competition with the English, holding the entire trade of the area in chains.

All these things took place even before the war; but it was only after the war that the worst appeared. The weakness of the German states as well as the inability of German capital to take part in the general competition opened the doors everywhere to foreign domination.

Although the German businessman retreated to a second or third rank, he did not permit himself to be eliminated completely from the scene. Even in the worst years of the war Hamburg, Bremen, Lubeck, and Danzig played a certain role in world commerce, although in increasing dependence upon the English and the Dutch. The old Hanseatic relations with the Russians were zealously maintained, especially by the Lübeckers, and Peter the Great was called a student of the "German suburb" of Moscow.

Throughout all the years of the war the Germans of the north were able to hold on to their old foreign commercial ties, out of which, in earlier times, their power and prosperity had grown. With letters of safe-conduct from the emperor or the Swedish king, although not always protected successfully against friendly or inimical generals, the freight wagons of the Nurembergers, Augsburgers, and Ulmers passed through the ruins of war on the old routes over the Tyrol to the Welschland and back. In Venice the famous old merchant house of the Germans on the Rialto, the Fondaco dei Tedeschi, remained the most important center of German-Italian trade.

For the trade between north Germany and France, Lyons remained the most important place, and there, also, the old commercial relations were retained. On the other side there was a fruitful trade with Austria, Hungary, and Bohemia; trade in iron goods was an old pursuit of the Nuremberger, and the war stimulated trade in arms, which the Nuremberger and the Augsburgers, especially, carried on with great vigor.

Leipzig businessmen played a leading role during the war in trade between north and south, east and west. Leipzig itself suffered from much war damage, since it was repeatedly besieged and conquered with consequent damage. Moreover, after the conclusion of the Peace of Westphalia, the city was occupied for eight years by the Swedes. That was not too bad a fate, since the Swedish field marshal, Torstenson, proclaimed to the world, not without financial advantage to himself, that he would protect the Leipzig Fairs. So it happened that the

commercially prosperous city managed to weather all storms, while the rest of the electorate of Saxony, cities and countryside, suffered greatly. Through its world-famous fairs, Leipzig became the most important focal point for commerce between the European east with the west and the south. Freight wagons, which passed over the "high route" from Russia, Poland, and Silesia, flowed into Leipzig, and then streamed from this focal point to Hamburg, Cologne, Frankfurt on Main, and Nuremberg, made the Leipziger fair a world market in the large sense, especially since the city was also the focal point for German trade, whose products were sent from here to all parts of the world.

In this area of Upper Saxony there was steady activity, which was crowned by increasing success, and here, much more quickly than in other areas, there was a quicker recovery from the hard troubles of the war, although, of course, the general misfortune of overwhelming foreign competition and the separation from the great overseas commerce barred the way to the highest aims of German trade and industry.

31 The Brandenburgers' Petition Against Heavy Taxation, 1650

Toward the close of 1650 the people of Brandenburg submitted this petition to the Great Elector against heavy taxes. The Elector replied that he regretted the necessity for armaments, but Pomerania and his other lands were now under one control and they had to be protected against designing enemies.

Petition of the Estates at Berlin, 1650 *

. . . We, the Estates, cannot connive at the oppression of the poor, whose tears flow down their cheeks, without turning for help to the father of the country.

Your Electoral Highness knows well the need of your own poverty-

* M Schilling, *Quellenbuch zur Geschichte der Neuzeit* (Berlin, 1884), p. 189.

stricken vassals, and if you had any doubts at all, you could verify it fully from your officials. The situation of the vassals of the nobility and others is not better, but all are in such grievous condition that our conscience cries out if additional burdens are placed upon them or the old ones allowed to continue. We regret very much the necessity of giving our substance for what can obviously profit neither Your Electoral Highness, nor ourselves, nor the entire country, but rather causes harm, and makes intending immigrants go elsewhere, because here there is no limit to the levy of taxes.

The Swedes are not bound by the treaty [Treaty of Westphalia] to leave Farther Pomerania until a financial settlement is made, but they are bound by the agreement not to use force against Your Electoral Highness. Please place your trust in a friendly settlement and in your fellow Germans.

32 Cromwell Congratulates the Great Elector

The success of Frederick William, the Great Elector, in fashioning a strong, powerful state aroused intense interest throughout Europe. Oliver Cromwell, then Lord Protector of England, Scotland, and Ireland, requested his secretary, John Milton, the poet, to compose a letter of congratulations, which was dispatched in 1657.

Cromwell's Letter to the Great Elector, 1657 *

Most Illustrious Prince, dearest friend and ally:

Whereas your Highness' exceptional ability in both peace and war is already famous throughout the world, and your greatness of spirit and constancy are such as to make all neighboring rulers zealously seek your friendship, since none of them could desire a truer or more faithful friend and ally; so we, in order to prove that we too are among those who hold the highest possible opinion of you and your distinguished services to the Christian Church, have sent to you the noble

* M. Schilling, *Quellenbuch zur Geschichte der Neuzeit*, 2d ed. (Berlin, 1890), p. 181.

lord, William Jepson, a colonel, and a member of our upper house, that he may convey to you, in our name, our most cordial greetings, our best wishes for a happy termination of all your undertakings, and our special good will and inclination toward you in all things. We beg, therefore, that in all his dealings with you, you will bestow on him the same faith and confidence as though everything were authorized and approved by us by word of mouth.

33 The Great Elector's Political Advice to His Son

In 1640, when Frederick William, later the Great Elector, came to the throne of Brandenburg, there appeared for the first time a German ruler who had some understanding of the policies necessary for the fashioning of a strong state. While increasing the area of his dominions, he, at the same time, showed remarkable skill as an internal administrator. He centralized the government of Brandenburg, organized a council of state, revised the financial system, promoted education, encouraged trade, industry, and agriculture, constructed roads and canals, and replaced his disorderly troops with an efficient and disciplined military force.

The services of Frederick William can be appreciated by comparing the condition of his country at the beginning of his reign and at its end (1688). At his accession, he found a country virtually buried in ruins—its villages deserted, its agriculture at a standstill, its landowners and peasants impoverished, its industry and commerce ruined, its wealth exhausted, and its intellectual life demoralized. At his death, the state was enjoying relative prosperity. Frederick the Great gave him a fitting eulogy: “Messieurs, celui-ci a fait des grandes choses.”

Frederick William regarded absolute rule as the best guarantee for the internal and external welfare of his people. He believed that, though liberties were sacrificed, the nation would be compensated by a large measure of unity, strength, and order. The system of government which he established became later the basis for the most highly centralized government in Europe.

The following extracts from Frederick William's "Secret Letter to His Son" (who became Frederick I of Prussia) show his concern for absolutism tempered with justice.

Frederick William's "Secret Letter to His Son," 1667 *

It is necessary that you conduct yourself as a good father to your people, that you love your subjects regardless of their religious convictions, and that you try to promote their welfare at all times. Work to stimulate trade everywhere, and keep in mind the population increase of the Mark of Brandenburg. Take advantage of the advice of the clergy and nobility as much as you can; listen to them and be gracious to them all, as befits one of your position; recognize ability where you find it, so that you will increase the love and affection of your subjects toward you. But, it is essential that you always be moderate in your attitudes, in order not to endanger your position and lose respect. With those of your own station in life, be careful never to give way in matters of precedence and in all to which you are entitled; on the contrary, hold fast to the eminence of your superior position. Remember that one can lose one's superior position if one allows too great pomposity and too great a show upon the part of members of the court.

Be keenly interested in the administration of justice throughout your land. See to it that justice is maintained for the poor as well as for the rich without discrimination of any kind. See to it that lawsuits are carried out without delay, without procrastination, for in doing this, you will solidify your own position. . . .

Seek to maintain friendly relations with the princes and the nobility of the Empire. Correspond with them frequently and maintain your friendship with them. Be certain not to give them cause for ill-will; try not to arouse emotions of jealousy or enmity, but be sure that you are always in a strong position to maintain your weight in disputes that may arise. . . .

It is wise to have alliances, if necessary, but it is better to rely on your own strength. You are in a weak position if you do not have the means and do not possess the confidence of the people. These are the things, God be praised, which have made me powerful since the time I began to have them. I only regret that, in the beginning of my

* Franz Zurbonsen, *Quellenbuch zur brandenburgisch-preussischen Geschichte* (Berlin, 1906), No 102, pp. 128-130.

reign, I forsook these policies and followed the advice of others against my will.

34 The Battle of Fehrbellin, 1675

The beginning of Brandenburg-Prussia as a great power came with the victory of Frederick William, the Elector of Brandenburg, over the Swedes at the Battle of Fehrbellin on June 28, 1675. The Elector drove the Swedes out of his country and occupied nearly the whole of the Swedish continental territory. Thenceforth, he was called "the Great Elector." This epoch-making victory actually hastened a retreat that had already begun. Only some six hundred men were lost in all (the Prussians had six thousand men, the Swedes eight thousand). When it was demonstrated that the Swedes could be defeated, a coalition was immediately organized against them, as a result of which their empire in the Germanies was overrun.

In his own account of the battle, the Great Elector complained that the enemy withdrew too quickly for him to achieve an annihilating victory. He castigated those in his cavalry "who did not do their duty." But, he continued, "by God's grace I have kept the battlefield, even though it has cost me many officers and men." *

A few years later, an anonymous German chronicler exaggerated the outcome into a tremendous triumph. Similarly, the battle was celebrated, with a great amount of poetic license, in Heinrich von Kleist's stirring drama *Der Prinz von Homburg* (1810).

A Chronicler's Account of the Battle †

The joy that arose inside and outside Germany because of this triumph, and the increase in the veneration of the Elector and in

* Gerhard August von Witzleben, ed., *Fehrbellin, zum 200-jährigen Gedenktage* (Berlin, 1875). From a letter by the Elector to Prince Georg of Anhalt.

† M. Schilling, *Quellenbuch zur Geschichte der Neuzeit* (Berlin, 1884), p. 195.

the love of his subjects, are indescribable. Many thousands wept for joy. Military men were full of admiration for his prudence and wisdom and the valor with which, unaided by any ally, and disposing only of cavalry exhausted by a long journey, he attacked a rested army in position, consisting as it did of many veterans often the terror of Germany and commanded by one of the most famous generals in the world. In a few days he drove them from the country. . . .

[He] struck off a medal with himself on horseback on one side and on the other this inscription:

With his cavalry alone, and trusting only in the help of God, he defeated and in seven days drove from his dominions the entire army of Sweden, the northern robbers who for seven months had pillaged Pomerania and the Mark, while he was helping other subjugated people afar off.

Fehrbellin, June 18, 1675.

35 The Great Elector Welcomes Huguenot Refugees

After the revocation by Louis XIV of the Edict of Nantes in 1685, Frederick William welcomed to his country more than twenty thousand French Huguenots. The Great Elector established a French commissariat to bring in and settle the industrially valuable refugees. He sent them guides and traveling money, gave them land and building materials, and granted them exemption from taxes for six years. At one time, the Huguenots formed a sixth of the population of Berlin. The skill and industry of these newcomers contributed immeasurably to the welfare and prosperity of their adopted homeland. They popularized the eating of lettuce, cauliflowers, asparagus, and artichokes in German homes. From their ranks eventually came many leading Prussian officers.

Extracts from Frederick William's Decree on Huguenot Refugees, 1685 *

Since the persecutions and severe punishments which have been exercised again and again against confessors of the reformed religion in France have led many families to emigrate from that kingdom and seek sanctuary in foreign countries, we have been pleased, due to our righteous sympathy for those who suffer for the Evangelical Religion and for the purity of that faith in which we believe, to offer them in this present decree signed by us, a free and safe admission into our land; and we further proclaim the rights, privileges, and advantages which they shall be permitted to enjoy:

1. In order that all those who want to live in our land may come here with the greatest convenience, we have ordered all our extraordinary ambassadors to the States General of the United Netherlands, our consul in Amsterdam, and our agents in Frankfort on Main to place at their disposal, at our expense, ships and provisions for all those of the Reformed Religion who may apply, so that their families and their possessions can be transported from Holland to Hamburg. . . .

4. The property, furniture, merchandise, and provisions which they bring with them shall be admitted duty-free. . . .

7. As soon as they have settled definitely in any town or village of our state, they shall be given full civil rights. They shall be given permission to join guilds and corporations for which they are eligible. In short, they shall enjoy the same rights and privileges as our own subjects.

8. All those who desire to set up factories, whether it be in textiles, cloth, hats, or other wares, shall have not only all special privileges and the freedom which they might desire but also our support with funds and other supplies so that their enterprises may become successful.

9. Farmers and others who wish to settle here shall be given plots of land for cultivation. They shall be supplied with all necessary aids in the beginning, as has already been done with large numbers of Swiss immigrants.

10. In towns where several families are settled, the above-mentioned French brothers may choose a magistrate of their own who will settle their difficulties amicably, without any resort to courts. In cases wherein differences arise between Germans and French, these

* Franz Zurbonsen, *Quellenbuch zur brandenburgisch-preussischen Geschichte* (Berlin, 1906), No. 97, pp 120-122.

will be settled mutually by the German authorities and the French magistrates.

36 Clement XI Protests Against the Royal Title, 1701

In a letter addressed to Louis XIV and sent under the seal of the Fishermen's Ring on April 16, 1701, Pope Clement XI protested against the arrogance of Frederick III, Margrave of Brandenburg, in assuming the royal title of Frederick I, King in Prussia.

Clement XI to Louis XIV, April 16, 1701 *

We, Clement XI, send to our beloved son in Christ our best wishes and our apostolic blessing.

Although we know well that Your Majesty in no way approves the bad example to all Christendom of Frederick, Margrave of Brandenburg, in daring to assume the title of King, yet, lest we seem to neglect our office, we cannot disregard this in silence. This deed runs counter to the precepts of the apostles, and puts the high renown of this holy chair to no small shame, since, without affront to the Church, a non-Catholic cannot assume the hallowed title of King. The said Margrave has not hesitated to call himself King of that part of Prussia which has from olden times belonged to the Order of Teutonic Knights.

Wherefore, in view of this our admonition, we desire that Your Majesty (whose magnanimity is well known to us) refrain from giving him the royal dignity which he has rashly ventured to assume. Such persons as he are condemned and cast out by the Word of God: "Ye have ruled and not through me; ye have become princes and I have not known thee."

Our reverend brother, Philip Anthony, Archbishop of Athens, will communicate further concerning our views on this matter to Your

* M. Schilling, *Quellenbuch zur Geschichte der Neuzeit* (Berlin, 1884), p. 214.

Majesty, to whom, in the name of God, we wish all happiness and graciously send our apostolic blessing.

Given at Rome, at St. Peter's, under the seal of the Fisherman's Ring, the 16th of April, 1701.

37 The Utrecht Settlement, 1713–1715

The death of Charles II in 1700 ended the line of Spanish Hapsburgs. Louis XIV of France claimed the Spanish inheritance for his grandson, Philip, Duke of Anjou. To prevent France from overthrowing the balance of power in Europe, a Grand Alliance was formed by England, Holland, Austria, and Prussia. The War of the Spanish Succession (1702–1713) ended with a series of peace treaties, of which the following treaty between France and Prussia was a part. This settlement formed a new code for Europe, replacing the Peace of Westphalia.

Treaty between France and Prussia, April 11, 1713 *

France, with the acquiescence of Spain, cedes to Prussia Upper Gelderland, with the understanding that the Catholic religion be maintained in this area.

France recognizes the King of Prussia as the sovereign lord of Neuchâtel and Valendis and continues the rights and privileges which the inhabitants, as Swiss, enjoy in France.

The King of Prussia transfers to France his claim to the Principality of Orange and its dependencies.

Louis XIV promises, on behalf of himself and the King of Spain, to recognize the royal dignity of Prussia, to award to Frederick the rank of Majesty, and to give his ministers the honors accorded to the ministers of other crowned heads.

* Christoph Wilhelm von Koch and Maximilian Samson Friedrich Schoell, *Histoire abrégée des traités de paix depuis la paix de Westphalie jusqu'à nos jours* (Paris, 1817), p. 106.

38 Frederick William I's Regiment of Giants

Frederick William I (1713-1740), building upon the foundations laid by the Great Elector, pursued a policy of consolidation and centralization of Prussia. A man of phenomenal energy and violent temper, he practiced rigid economy, introduced discipline and routine in administration, encouraged the development of commerce and industry, and consolidated the Hohenzollern rule. This well-meaning despot made the state the source of all power and insisted that the supreme duty of the citizen was an unquestioning, corpse-like obedience (*Kadaver-Gehorsam*).

Although the history of militarism in modern Prussia began with the Great Elector's organization of a standing army, it was Frederick William who was the real father of Prussian militarism. Though miserly in other respects, Frederick William never hesitated to spend the state funds lavishly for military purposes. His chief pride and his one extravagance was an almost pathological love for tall soldiers. This passion involved him in international squabbles and made him the jest of the civilized world. His recruiting agents combed every corner of Prussia to find tall recruits, who were either persuaded or forced into service. He even attempted by forced marriages to influence the biological character of the next generation, commanding tall men and women to take the trip to the altar.

"The tallest of the tall men his agents collected," wrote Robert R. Ergang, "or that he received as gifts, Frederick William added to the Potsdam Giant Regiment. It was a collection of giants such as the world had not seen before; nor has there been any similar collection since. Composed at first of two battalions of six hundred men each, the regiment grew until it reached a maximum of almost three thousand. No man was admitted to the regiment unless he was over six feet, some of the tallest members being nearly eight feet. To make them appear even taller, the

Prussian monarch had them wear tall miter-shaped hats, which added some twelve to fifteen inches to the stature of each grenadier. . . .

"This collection of 'walking colossi' was one of the great curiosities of Europe. From far and wide visitors came to see it. . . .

"Toward the end of his life Frederick William appears to have recognized the folly of collecting giants. It is reported that shortly before his death he told his son Frederick that he had been wrong 'in making the [Potsdam] regiment his hobby and spending more than 700,000 talers on it.' " *

A favorite method of Frederick William's agents was to entrap unwary Englishmen and Irishmen of huge proportions by engaging them as valets for travel on the Continent and then delivering them to Potsdam. The following petition addressed to Viscount Torrington by nineteen giant Englishmen shows that foreigners who entered the Prussian king's service often regretted the move. The petition was unsuccessful, for once a man entered the Giant Regiment, there was little chance of release.

Petition by Nineteen Englishmen to Viscount Torrington, c. 1730 †

May It Please Your Grace,

Wether to sit down tamely under our Cruel Bondage, and dwindle our Lives away in Chagrin and dispair, or boldly to risque all in the noble pursuit of Liberty, is the Question. The first methinks seems too Ternid and mean for an English soul to Comply with, and the latter has its trains of dangers. Tho', when we consider that death for the unhappy has nothing in it frightfull, this does Incourage us to trust the flattering Gipsy once more, and we do firmly believe that could our miserable bondage but reach the Ears of such noble Patrons as your Grace, whose Chiefest Care is the Interest and tranquillity of your Country, you would not suffer our Calamity to be much longer Lived, and, to be plain, the strings of our Outragious Fate, together with ruminating on our never to be forgotten Liberty, was Sufficient, had not hope Intercepted to force us to shorten our days. This has

* Robert R. Ergang, *The Potsdam Fuehrer* (New York, Columbia University Press, 1941), pp. 94-95, 101-102.

† Quoted by R. H. A. Cotton, in "English Captives in Potsdam in the Eighteenth Century," *National Review*, LXX (1918), 486-494

been the fate of numbers, who, unwillingly to Bear the Oppressor's wrongs, have plunged themselves into Uncertainty.

Such fatal Consequences must undoubtedly follow an unrestrained unlimited Power join'd with a Malicious will and a Brutall disposition to mischief.

And I vow that the unnatural Action here in force is far above the Conception of either Humanity or Reason: for what man Can Bear, and more especially he that's born free, the Cruel Inhumane strokes of Brutal sway, the Insulting Insolence of Knavish Officers, and this impos'd upon him for Life, after useing the most Enormous and the most Diabolical methods to devest him of his tranquillity.

But may it please your Grace, thanks to Honesty undaunted, we are a Number to whome I will Give Your Grace a List, that do retain some tinctures of our Native Bravery, as Our Glorious Struggles here for our Liberty, and the honour of our Nation, Can well witness, and not withstanding the difficulty hitherto has Caus'd us Unnumerable Inhumane Stripes, These Loyal sufferings can never Prevent our Noble pursuit of Bravery.

A. Peter Friendly	George Watson	Stephen Ramsden
William Willis	Thomas Spendlow	John Mayhew
George Wilkins	Edward Bevan	Robert Clifford
John Evans	Alexander Gordon	James Dickson
Chistopher Weathreal	Joseph Earl	John Jopp
Anthony Best	John Mussendine	James Cavell

This, May It Please Your Grace, I don't doubt is sufficient to Convince you what heavy burdens we lye under, and hope it will so potently convince your Compassion to our Aid that we may reap the long struggled for Benefit, which Glorious Action will draw the Blessings of God and the prayers of Men Upon You and Consequently redound to Your Never Dying Name.

[Signed] CURTIUS

39 The Education of Frederick the Great

The youth of Frederick the Great was unhappy and embittered. The crown prince, detesting military pursuits, showed a decided

preference for gay clothes, French verse, extravagant entertainment, and friends of questionable morals. He hated his father's hard tyranny, religious zeal, and stinginess. He felt his own position to be so intolerable that he attempted to escape to England. For this he was imprisoned in the fortress of Küstrin, where he was forced to witness the execution of one of his friends.

From this hard education the young Frederick emerged sobered and cured of his follies, but embittered and skeptical. To the surprise of many who had known him in his youth, Frederick developed into a powerful war lord and a master of statecraft. He became one of the outstanding enlightened despots of Europe, elevating Prussia, once backward and unimportant, to a position of equality with Austria, France, and Spain in the Continental councils.

In 1721, when the young Frederick was nine, his father drew up a set of instructions for his son's tutor, in which every minute of the day was accounted for. When Frederick was sixteen, he complained to his short-tempered father in a pitiful message. The King replied in a coarse and brutal letter which undoubtedly left its mark on the young man. Modern psychoanalysis would attribute Frederick's hard and scornful attitude during his mature years to this unhappy and degrading background.

I Extracts from Frederick William I's Instructions
for His Son's Tutor, 1721 *

On Sunday morning, Frederick is to rise at seven. As soon as he has put on his slippers, he is to get on his knees by his bedside and pray to God briefly, but loud enough so that everyone in the room can hear. The prayer must be learned by heart: "Lord God, Holy Father! I thank Thee from the bottom of my heart that Thou has so graciously preserved me through the night. Make me useful for Thy holy will. Prevent me from doing anything today or any day for the rest of my life that could separate me from Thee. For the sake of our Lord, Jesus Christ, my Redeemer, Amen!" This must be followed by the Lord's Prayer.

Immediately after this has been done, my son is to dress himself quickly, wash properly, tie up his queue, and powder. Dressing and

* Friedrich Forster, *Friedrich Wilhelm I, König von Preussen* (Potsdam, 1834-1835), I, 357-359.

the short prayer must be finished within a quarter of an hour, so that it will then be a quarter past seven. When this is finished, all his servants and Duhan [his French tutor] shall enter to recite the great prayer on their knees. Then Duhan shall read a chapter from the Bible, and sing a good hymn, until it is a quarter to eight. Then all the servants shall make their exit, and Duhan shall read the Gospel of the day with my son, explain it briefly, and thus demonstrate the meaning of true Christianity. In addition, he is to repeat a part of the catechism of Noltenius [the court chaplain]; this is to continue until nine o'clock. Then the chaplain is to come down to me with my son. In the evening he must say good-night to me at half-past nine, then go immediately to his room, undress very quickly, wash his hands, and then Duhan shall recite a prayer on his knees, sing a hymn, at which all his servants shall again be present. Then my son must go at once to bed by half-past ten.

Monday he shall be awakened at six o'clock. At once, without complaint, he must rise immediately and kneel down, saying a short prayer, as on Sunday morning. As soon as this prayer is finished, he shall, as quickly as possible, put on his shoes and gaiters, wash his face and hands (without soap), put on his jacket, comb his hair, and have his queue tied but not powdered. While the latter is being done, he shall have tea and breakfast at the same time, and all this must be finished before half-past six. Then Duhan and all his servants shall come in; a great prayer will be recited, a chapter read from the Bible, and a hymn sung, as on Sunday. This shall last until seven o'clock, when the servants must take their exit. From seven to nine Duhan shall work with him in history. At nine o'clock Noltenius shall come to instruct him in Christianity until a quarter to eleven. At this time he shall wash his face quickly with water and his hands with soap, dress himself in white, powder, and put on his coat. He shall come to the King at eleven o'clock, with whom he shall stay until two o'clock. Then he shall return to his rooms. Duhan will meet him there to describe maps to him from two to three o'clock; he shall also explain to him the power and weakness of all European states, together with the size, wealth, and poverty of the towns. From three to four o'clock Frederick will work at morality; from four until five Duhan shall write German letters with him and help him acquire a good style. At five o'clock he shall go to the King, ride and enjoy himself in the fresh air, and do what he likes, so long as it is not against God. [*A similar procedure is outlined until Saturday*] . . .

On Saturday morning until half-past ten o'clock everything that he has learned during the entire week in history, writing, and arith-

metic, as well as in morality, is to be repeated in order to learn whether or not he has profited therefrom. The General Count Finkenstein and the Colonel von Kalkstein shall be present. If he has profited, then Fritz may take the afternoon off, but if he has not, then he must repeat from two until six o'clock everything he has forgotten in the preceding days.

II Letter from the Sixteen-Year-Old Frederick to His Father, 1728 *

For a long time I have not ventured to present myself before my dear papa, partly because I was advised not to do so, but mainly because I anticipated an even worse reception than usual and was afraid to disturb my dear papa further by the favor I shall now ask. So I prefer to put it in writing.

I beg my dear papa to be kindly disposed toward me. I assure him that, after a long examination of my conscience, I find not the smallest thing with which I should reproach myself. But if, contrary to my wishes, I have disturbed my dear papa, I herewith beg him humbly for forgiveness, and I hope that my dear papa will forget the fearful hate which appears so clearly in his whole behavior and to which I find it hard to accustom myself. Until now I have always thought that I had a kind father, but I now see quite the opposite. Nevertheless, I shall take courage and hope that my dear papa will think this over and restore me once again to his favor. In the meantime, I assure him that I will never in my life willingly fail him, and, in spite of his disfavor, I shall remain with most dutiful and filial respect, my dear papa's

Most obedient and faithful servant and son,

FREDERICK

III Frederick William's Reply †

A naughty, obstinate boy, who does not love his father. When one has done his best, and especially when one loves one's father, one does what he wants one to do, not only when he is standing by but also when he is not there to see. Besides, you know very well that I cannot bear an effeminate youngster who has no manly tastes, who cannot ride or shoot (let it be said—to his shame!), is untidy in his

* *Ibid.*, I, 362.

† *Ibid.*

personal habits, and wears his hair curled like a fool instead of cutting it. I have condemned these things a thousand times, yet there is no sign of improvement. For the rest, you are haughty, as indifferent as a country lout; you converse with no one outside of a few favorites, instead of being friendly and sociable; you grimace like a fool; you never follow my wishes out of love for me but only when you are forced to do so. You care for nothing but having your own way, and you think nothing else is of any importance. That is my answer.

FREDERICK WILLIAM

40 Frederick the Great and the Seven Years' War, 1756–1763

In August, 1756, Frederick II unsuccessfully attempted to invade Bohemia through the Saxon Mountains. Believing that Austria, Russia, France, Sweden, and Saxony were planning to attack Prussia from different directions, Frederick requested Maria Theresa to give him assurance that no such assault would be made. He received an evasive reply. Then began the life-and-death struggle between Prussia and Austria which was a part of the Seven Years' War, fought all over Europe, on the seas, and in the colonies.

Frederick's forces were required to face the larger part of Europe almost single-handed, as a result of which they were almost decimated in fearful battles. Possessing a remarkable talent for generalship, and having at his command an enthusiastic army and fanatically loyal generals, Frederick was able to recover quickly. Below is his address to his generals before his famous victory at Leuthen in Silesia on December 3, 1757.

Frederick's outlook was almost hopeless when he was saved by the death of the Tsarina Elizabeth of Russia. The new tsar, Peter III, an enthusiastic admirer of the Prussian king, entered into an alliance with him. By the Treaty of Hubertusburg (1763), Frederick was allowed to retain his dominions intact. Although

Frederick gained no new territory as a result of the war, he at least won for his country an equal rank with the other major nations of Europe.

**Frederick's Address to His Generals Before the
Victory of Leuthen, December 3, 1757 ***

Gentlemen,

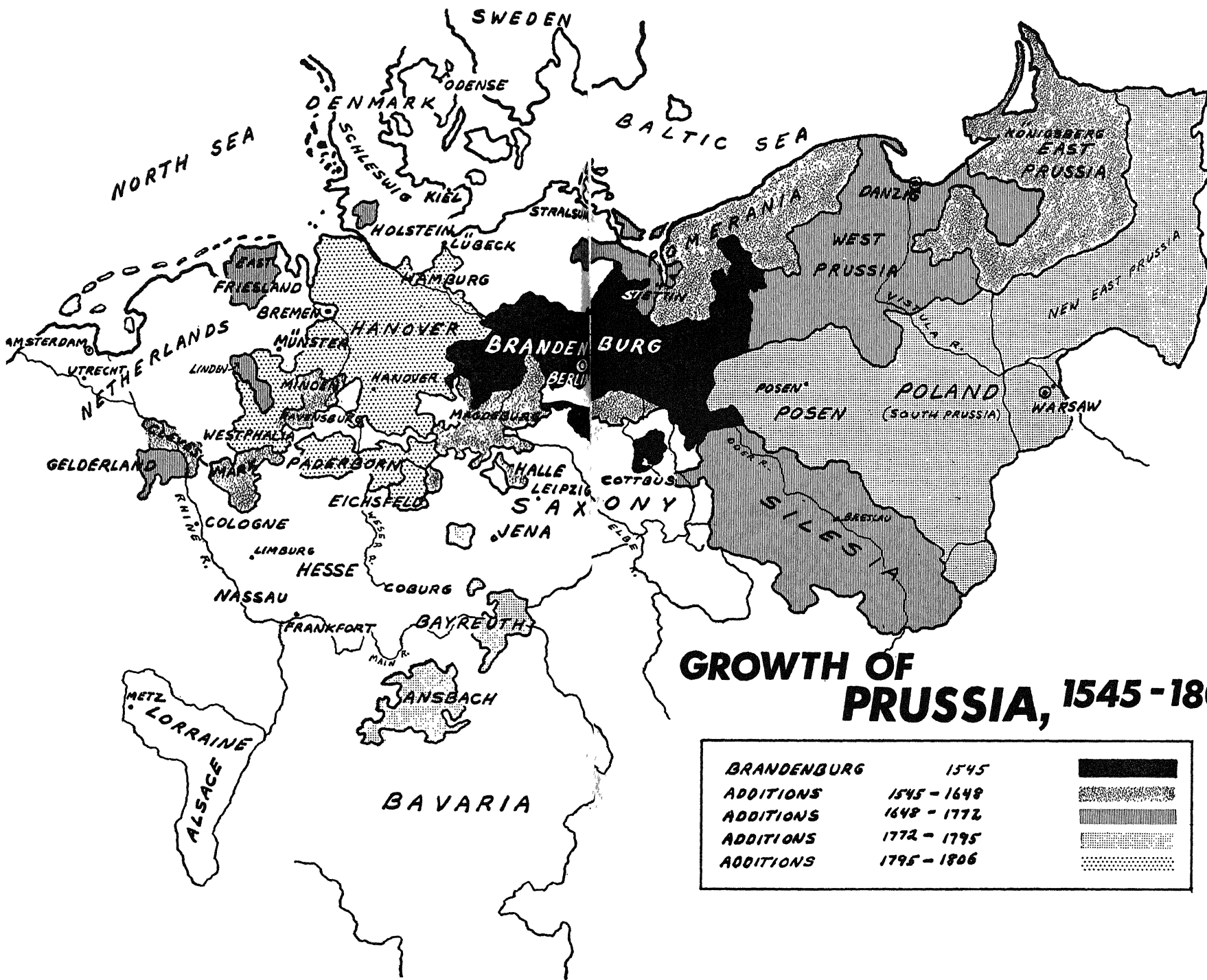
You are aware that Prince Karl of Lorraine has succeeded in taking Schweidnitz, defeating the Duke of Bevern and making himself master of Breslau. This was done while I was engaged in halting the advance of the French and the imperial forces. A part of Schleswig, my capital, and all the military supplies it contained, are lost. I should feel myself in a most difficult position, indeed, were it not for my unlimited confidence in your courage, your constancy, and your love for the Fatherland, all of which you have proved to me on many occasions in the past. Your services to me and to the Fatherland have touched the deepest fibers of my heart. There is hardly one of you who has not distinguished himself by some outstanding deed of courage; hence, I flatter myself that in the approaching opportunity you will not fail in any sacrifice that your country may demand of you.

This opportunity is now close at hand. I feel that I have accomplished nothing if Austria retains Schleswig. I tell you now that I propose to attack wherever I find the army of Prince Karl, three times as large as ours, in defiance of all the rules of the art of war. There is no question of the numerical superiority of the enemy or the importance of the positions they have gained. I hope to overcome all this by the devotion of my troops and by the careful implementation of my plans. I must take this step, else all will be lost. We must defeat the enemy, or we shall all lie buried under his batteries. This I believe. So shall I act.






Pass on my decision to all officers of the army. Prepare the troops for the trials that are to come. Tell them that I expect blind obedience. Always remember that you are Prussians and that you cannot fail to show yourself worthy of that distinction. If there be any one among you who fears to share with me any and all danger, he shall be given his discharge immediately without any reproaches from me. [*Pauses.*]

I was convinced that no one of you would desire to leave me. I

* M. Schilling, *Quellenbuch zur Geschichte der Neuzeit*, 2d ed. (Berlin, 1890), p. 274.



GROWTH OF PRUSSIA, 1545-1806

BRANDENBURG	1545	
ADDITIONS	1545 - 1648	
ADDITIONS	1648 - 1772	
ADDITIONS	1772 - 1795	
ADDITIONS	1795 - 1806	

count, then, absolutely, on your faithful assistance and on certain victory. If I do not return to reward you for your devotion, the Fatherland itself must do it. Return now and repeat to your troops what you have heard from me. . . .

If any regiment of cavalry does not attack the enemy immediately upon given orders, it will be unmounted at once after the battle and made a garrison regiment. Any infantry battalion that hesitates, no matter what the danger may be, shall lose its colors and swords and shall have the gold lace stripped from its uniforms.

And now, Gentlemen, farewell. Before long we shall either have defeated the enemy or we shall see each other no more.

41 Bourgeois Life in the Middle of the Eighteenth Century

In the Germanies, as elsewhere in Europe, there were succeeding waves of middle-class groups ascending from the ranks of peasants, artisans, and laborers through the position of bourgeois merchants and manufactureres to the landowning aristocracy. In the Germanies, however, more than elsewhere, there was a dominating admixture of manufacturing and feudal elements. This middle class was later responsible for creating the cultural life of the Germanies.

The description of a bourgeois household in 1750, reprinted here, is by Gustav Freytag (1816–1895), novelist, journalist, and political figure. Freytag was certain that the German middle class was the soundest element in the nation.

Gustav Freytag's Description of a Bourgeois Household in 1750 *

Modest and confined was the household of the ordinary city-dweller; only seldom was he wealthy enough to furnish his house in luxurious

* Freely rendered from Gustav Freytag; *Ein bürgerlicher Haushalt um 1750*, as quoted in Klaudius Bojunga; Anna Hoffa, and Fritz Sandman *Lebensgut* (Frankfort on Main, 1936), pp. 137–140, *passim*.

fashion and to afford a life of luxury. The rich were in danger of succumbing to luxury, such as that which had corrupted the court and the presumptuous families of the nobility. Even those who were able to live well, ordinarily furnished their households very simply and betrayed their prosperity only on ceremonial occasions when entertainment was necessary. Therefore, the reception of guests was a thoroughly uncongenial occasion, for which the entire household was turned upside down.

The bourgeois house was run according to a strict protocol, regulated down to the tiniest detail. Congratulations and compliments of the season, even the matter of tips, all such things had a carefully prescribed form. Communication between people took on a certain unchangeable form because of these numerous little rules. It was usual to set aside certain days for paying bills and for making visits. The arrangement of the household was never disturbed; the massive furniture which the bridal pair had bought when they first furnished the home, the padded armchair which perhaps served the gentleman when he was a student, the cupboard, all these served for many generations.

The rooms of the house were, on the whole, tasteless. The polished floors seemed to have no other purpose than to be kept clean; they were ceaselessly washed until they attained a light color. The steps and vestibules were often strewn with white sand. Durable and attractive furniture was valued. The various pieces, including the commode (a new invention), were laboriously made and well designed. There were few paintings on the walls; in the large cities colored plaster walls were unpopular compared to wallpaper. The wealthy homeowners preferred walls lined with leather, which gave the rooms a pleasing appearance; leather-upholstered furniture was also prized.

The clothing which the bourgeoisie wore was considered as a mark of status. Because of their piety, they generally wore dark or dull-colored clothes. But the cultivated man was distinguished by the fine material of his clothes, the buttons, the clever needlework, as well as by his wig and his sword. Such things had to be worn whenever one went out, even though they were uncomfortable and the wig could not be put on and powdered without assistance. Lounging robes were worn at home as a means of preserving the better clothing.

Only the highest state officials and, in the large commercial towns, the wealthiest merchants (though not so many as fifty years earlier) owned their own coach and horses. But even the scholars were often advised by their physicians to take advantage of riding.

In the mornings there was a short family meeting with the chil-

dren and usually with the servants. There would be the singing of a verse, admonitions to the children, or a prayer, and finally a song again. Everyone rose quite early and went to bed at an early hour. All activities in the home were formalized; the children and servants were expected to address their elders with respect in precise forms.

Of great importance in this often tedious life were family matters, relations with good friends, and acquaintances in faraway places. Patronage and loyalty were considered to be virtues. It was considered good fortune to have distinguished and influential friends, and strong efforts were made to acquire them. It was important to remember birthdays and the customary greetings at family affairs. This was regarded as a means of assuring progress in an unfriendly world. Subservience to superior persons was widespread; to kiss the hand of a patron was considered good manners.

A close relationship existed among the bourgeoisie, especially through such sponsorship; the godfather was duty bound to look out for the progress of his godchild, and this pious relationship continued until death. The parents were willing to allow the godfather, particularly if he were wealthy, to have a decisive voice in the future of the child; it was also expected that he would give effect to his good wishes by remembering his godchild in his last will and testament.

42 German Contributions to the Enlightenment

Both the Renaissance and the Reformation had modern aspirations, but medieval beliefs. In contrast, the eighteenth century Era of Enlightenment resulted from a rational movement. The basis for the new movement was furnished by mathematics, the ideal rational science. Galileo, Descartes, Newton, and others, sought to "mathematicize the universe" in a search for natural laws. Later, the methods of rationalism were applied to religion, society, and government, on the assumption that human behavior could be explained on the basis of universal principles. The rationalists became so confident of their ability to unravel the secrets of nature that, by the eighteenth century, they maintained that they could shape life rationally on the basis of their own will.

German intellectuals played an important role in the general development of the Enlightenment. In its early phase, when a mechanical interpretation of nature was sought diligently, Johannes Kepler (1571–1630), a German scientist of unlimited imagination who turned from mere observation and record-keeping to theory, became the founder of modern physical astronomy. During his early career, though a convinced Copernican, he accepted the Aristotelian belief that all celestial revolutions must be performed in fixed circles; but after years of mathematical calculations, he came to the conclusion that the planets traveled freely in space in elliptical orbits. His epoch-making “third law of planetary motion” (the squares of the planetary periods are proportional to the cubes of their distances from the sun), which appeared in 1619, described a system of celestial movements depending upon the various velocities of the planets. By perfecting a geometrical plan of the solar system, Kepler enhanced the power of astronomers to predict future phenomena. In essence, his work helped to shatter the old Ptolemaic and Aristotelian conceptions of planetary motion.

Two German philosophers, Leibniz and Kant, take front rank in the application of the idea of natural law to their disciplines. Gottfried Wilhelm Freiherr von Leibniz (1646–1716) is recognized as one of the greatest system-builders in the history of philosophy, sharing with Descartes the merit of advocating the use of mathematics and physics as a key to the knowledge of the universe. The central core of his doctrine is that the universe is composed of a system of spiritual monads, or spiritual automata, each reflecting the whole universe, and all agreeing in a pre-established harmony which explains the unity of the world. The following excerpts from Leibniz’s *The Monadology* (1714) describe his concept of monads.

I Excerpts from Leibniz’s *The Monadology*, 1714 *

1. The monad, concerning which we shall speak here, is nothing more than a simple substance which enters into compounds—*simple* in this sense meaning without parts.

* Gottfried Wilhelm Leibniz, *Monadology and Other Writings*, translated by R. Latta (Oxford, 1898), *passim*.

2. And there must be simple substances, because there are compounds, for the compound is nothing but a collection or *aggregatum* of simples.

3. Where there are no parts, it is not possible to have either extension, shape, or divisibility. And these monads are the true atoms of nature and, in a word, the elements of things.

4. Moreover, there is no fear of dissolution, and there is no conceivable way in which a simple substance could perish in the course of nature.

5. For the very same reason, there is no way in which a simple substance could begin in the course of nature, since it cannot be formed by means of compounding.

6. It follows that monads can only begin and end all at once, in other words, that they can begin only by creation and end only by annihilation, whereas what is compound begins or ends by parts.

7. Also there is no means of explaining how a monad can be changed or altered within itself by any other created thing, since it is impossible to displace anything in it or to conceive of the possibility of any internal motion being started, directed, increased, or diminished within it, as could take place in compounds, where change among the parts can take place. There are no windows to monads, so that something could come in or go out. Accidents cannot become detached, or wander about outside substances, as the "sensible species" of the Scholastics once did. It follows that neither substance nor accident can possibly enter a monad from without. . . .

38. The ultimate reason of things must lie in a necessary substance, in which the differentiation of the changes exists only eminently as in their source; this is what we call God.

39. Since this substance is a sufficient reason for all this differentiation, which is itself likewise all connected, *there is only one God, and this God is enough.*

40. We may also conclude that since this Supreme Substance, unique, universal, and necessary, has nothing outside Himself independent of Himself, and is a simple series of possible being, He must be incapable of being limited, and must contain in as much reality as is possible.

41. Hence it follows that God is absolutely perfect, since *perfection* is nothing but magnitude of positive reality, in the strict sense, setting aside the limits or bounds in things which are limited. Where there are no bounds, that is to say in God, there perfection is absolutely infinite.

42. It follows also that created things owe their perfection to the

influence of God, but they owe their imperfections to their own nature, which is incapable of being without limits. In this they are distinguishable from God. . . .

60. It is evident that there are a priori reasons why God, in regulating the whole, had regard to each part, and particularly to each monad. The nature of the monad is representative, and consequently nothing can limit it to representing a part of things only, although it is true that its representation is confused as regards the detail of the whole universe and can be distinct only as regards a small part of things. . . .

62. Each created monad represents the whole universe, yet it represents more distinctly the body which is particularly affected by it, and whose entelechy it is. As this body expresses the whole universe by the connection of all matter in the plenum, the soul also represents the whole universe in representing the body which belongs to it in a particular way.

63. The body belonging to a monad, which is that body's entelechy or soul, constitutes together with the entelechy what may be termed a *living thing*, and with the soul what is called an *animal*. This body of a living thing or animal is always organic, for since every monad is in its way a mirror of the universe, and since the universe is regulated in a perfect order, there must also be an order in that which represents it, that is to say in the perceptions of the soul, and consequently in the body, according to which order is represented therein. . . .

67. Each particle of matter may be regarded as a garden full of plants, or as a pond full of fish. But every branch of each plant, every member of each animal, and every drop of their liquid parts is in itself likewise a similar garden or pond. . . .

69. There is nothing waste, nothing sterile, nothing dead, in the universe; no chaos, no confusions; only in appearance. We might well compare this to a pond in the distance: we see the confused movement and swarming of the fish, without distinguishing the fish themselves.

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* *

Immanuel Kant (1724-1804) published his *Critique of Pure Reason* (*Kritik der reinen Vernunft*) in 1781. Within a decade, it occupied a place of honor in the libraries of all European universities. Kant is considered to be the first European thinker who definitely grasped the concept of a critical philosophy. In his

famous work, he suggested that, even if it be impossible to prove the existence of God, it would be of great practical value to *assume* His existence as a means of giving logic to moral action. The following excerpts illustrate Kant's style in the *Critique of Pure Reason*, and, at the same time, expound the Kantian thesis that we cannot know God as First Cause and Architect of the universe, but that we must believe in Him as the moral Governor who will make the moral law finally prevail.

II Excerpts from Kant's *Critique of Pure Reason*, 1781 *

*Of the Impossibility of an Ontological Proof
of the Existence of God*

It is easily perceived that the concept of an absolutely necessary being is a concept of pure reason, that is, a mere idea, the objective reality of which is by no means proved by the fact that reason requires it. That idea does no more than point to a certain but unattainable completeness, and serves rather to limit the understanding than to extend its sphere. It seems strange and absurd, however, that a conclusion of an absolutely necessary existence from a given existence in general should seem urgent and correct, and that yet all the conditions under which the understanding can form a concept of such a necessity, should be entirely against us.

People have at all times been talking of an *absolutely necessary* Being, but they have tried, not so much to understand whether and how a thing of that kind could even be conceived, so much as to prove its existence. No doubt a verbal definition of that concept is quite easy, if we say that it is something the nonexistence of which is impossible. This, however, does not make us much wiser with reference to the conditions that make it necessary to consider the nonexistence of a thing as absolutely inconceivable. It is these conditions which we want to know, and whether by that concept we are thinking anything or not. For to use the word *unconditional*, in order to get rid of all the conditions which the understanding always requires, when wishing to conceive something as necessary, does not render it clear to us in the least whether, after that, we are still thinking anything or perhaps nothing, by the concept of the unconditionally necessary. . . .

* Adapted from Immanuel Kant, *Kritik der reinen Vernunft* (Heidelberg, 1894), chap. 3, sect. 4.

Being is evidently not a real predicate, or a concept of something that can be added to the concept of a thing. It is merely the admission of a thing, and of certain determinations in it. Logically, it is merely the copula of a judgment. The proposition, *God is almighty*, contains two concepts, each having its object, namely God, and almightiness. The small word *is*, is not an additional predicate, but only serves to put the predicate *in relation* to the subject. If, then, I take the subject (God) with all its predicates (including that of almightiness), and say, *God is*, or there is a God, I do not put a new predicate to the concept of God; I only put the subject by itself, with all its predicates, in relation to my concept, as its object. Both must contain exactly the same kind of thing, and nothing can have been added to the concept, which expresses possibility only, by my thinking its object as simply given and saying, it is. And thus the real does not contain more than the possible. A hundred real dollars do not contain a penny more than a hundred possible dollars. For as the latter signify the concept, the former the object and its position by itself, it is clear that, in case the former contained more than the latter, my concept would not express the whole object, and would not therefore be its adequate concept. In my financial position no doubt there exists more than one hundred real dollars, than by their concept only (that is their possibility), because in reality the object is not only contained analytically in my concept but is added to my concept (which is a determination of my state) synthetically; but the conceived hundred dollars are not in the least increased through the existence which is outside my concept.

By whatever and by however many predicates I may think a thing (even in completely determining it), nothing is really added to it if I add that the thing exists. In that case, it would not be the same that exists, but something more than was contained in the concept, and I could not say that the exact object of my concept existed. Nay, even if I were to think in a thing all reality, except one, that one missing reality would not be supplied by my saying that so defective a thing exists, but it would exist with the same defect with which I thought it; or what exists would be different from what I thought. If, then, I try to conceive a being, as the highest reality (without any defect), the question still remains, whether it exists or not. For though in my concept there may be wanting nothing of the possible real content of a thing in general, something is wanting in its relation to my whole state of thinking, namely, that the knowledge of the object should be possible a posteriori also. . . .

The concept of a Supreme Being is, in many respects, a very useful

idea, but, being an idea only, it is quite incapable of increasing, by itself alone, our knowledge with regard to what exists. It cannot even inform us further as to its possibility. The analytical characteristic of possibility, which consists in the absence of contradiction in mere propositions (realities), cannot be denied to it; but the connection of all real properties in one and the same thing is a synthesis the possibility of which we cannot judge a priori, because these realities are not given to us as such, and because, even if this were so, no judgment whatever takes place, it being necessary to look for the characteristic of the possibility of synthetical knowledge, knowledge in experience only, to which the object of an idea can never belong. Thus we see that the celebrated Leibniz is far from having achieved what he thought he had, namely, to understand a priori the possibility of so sublime an ideal Being.

Time and labor therefore are lost on the famous ontological (Cartesian) proof of the existence of a Supreme Being from mere concepts; and a man might as well imagine that he could become richer in knowledge by mere ideas, as a merchant in capital, if, in order to improve his position, he were to add a few noughts to his cash account.

43 Frederick the Great on German Literature, 1780

Frederick the Great always favored French as a literary medium and wrote his own many works in that language. Following is his contemptuous estimate of German literature.

*De la Littérature allemande, 1780 **

In our own country I hear a jargon devoid of any grace, and which each person manipulates as he pleases, with no discrimination in the choice of terms. Indeed, there is a neglect of the most appropriate and expressive words, and the real meaning is swamped in a flood of verbiage.

* M. Schilling, *Quellenbuch zur Geschichte der Neuzeit*, 2d ed. (Berlin, 1890), pp. 297 ff.

I have been seeking to unearth our Homers, our Virgils, our Anacreons, our Horaces, our Demosthenes', our Ciceros, our Thucydides', our Livys. But I find nothing. I should have been spared my pains. Let us admit sincerely and frankly that up to this time literature has not flourished on our soil. . . .

To convince yourself of the bad taste that reigns in Germany, you have only to frequent the theater. You will see the awful plays of Shakespeare translated into our language, and the whole audience transported with delight by these absurd farces, fit only for the savages of Canada. . . . Now we have a *Gotz von Berlichingen*, a detestable imitation of these wretched English plays, and the pit applauds enthusiastically and calls for the repetition of its disgusting platitudes. . . .

We shall yet have our classic authors. Everyone will want to read them for both pleasure and profit. Our neighbors will learn German, and our language, polished and perfected by our writers, will be spoken not only in court circles but throughout Europe. This happy time is not yet here, but it will come.

44 The Last Years of Frederick the Great, 1764–1786

Building on the foundations laid by his predecessors, Frederick the Great raised his little kingdom to a position of world-wide importance. The outstanding monarch of his time, brilliant in statecraft as well as in war, he won for himself a reputation as one of the great men of history. In Thomas Carlyle he was to have an enthusiastic biographer. Following is a condensation of Carlyle's description of Frederick's last years.

Afternoon and Evening of Frederick's Life *

Frederick's Prussia is safe; America and India are to be English, not French; France is on the way towards spontaneous combustion in

* Condensed from Thomas Carlyle, *History of Frederick II of Prussia, called Frederick the Great* (London, 1858–1865), VI, *passim*.

1789—these are the fruits of the long war. During the rest of Frederick's reign—twenty-three years—is nothing of world history to dwell on. Of the coming combustion Frederick has no perception; for what remains of him, he is King of Prussia, interested to Prussia chiefly.

Treaty with Russia is made in 1764, Frederick now, having broken with England, being extremely anxious to keep well with such a country under such a Tsarina, about whom there are to be no rash sarcasms. In 1769 a young Kaiser Joseph has a friendliness to Frederick very unlike his mother's animosity. Out of which comes first partition of Poland (1772); an event inevitable in itself, with the causing of which Frederick had nothing to do whatever, though he had his slice.

In 1778 Frederick found needful to interpose his veto on Austrian designs in respect to Bavarian succession; got involved subsequently in Bavarian war of a kind, ended by intervention of Tsarina Catherine. In 1780 Maria Theresa died; Joseph and Kaunitz launched on ambitious adventures for imperial domination of the German Empire. Frederick's answer was the "*Fürstenbund*," confederation of German princes, Prussia atop, to forbid peremptorily that the laws of the Reich should be infringed. Last public feat of Frederick.

A few weeks later, Frederick got a chill, which was the beginning of his breakup. In January, 1786 he developed symptoms concluded by the physician called in to be desperate, but not immediately mortal. After this he did appear again from Sans Souci on horseback several times, for the last time on July 4. To the last he continued to transact state business.

He died on August 17 [1786]. In those last days it is evident that chaos is again big. Better for a royal hero, fallen old and feeble, to be hidden from such things; hero whom we may account as hitherto the last of the kings.

45 **Lessing on Tolerance, 1789**

Gotthold Ephraim Lessing (1729–1781), one of the greatest names in German literature, wrote *Nathan the Wise* as a result of a bitter theological controversy. The play is essentially a strong plea for tolerance, on the ground that noble character belongs to no particular creed. It thus follows that people holding one

set of religious convictions should tolerate others who hold completely different doctrines. The following condensation of the last scene shows how the representatives of the three religions—the Moslem Saladin, the Jew Nathan, and the Christian Knight Templar—are reconciled.

*Abridgment of Nathan the Wise, Act III, scene 5 **

Scene: *The palace of the SULTAN, SALADIN, in Jerusalem. SALADIN and his sister, SITTAH, are talking with RECHA, NATHAN's adopted daughter.*

SITTAH: Ah! I guessed it.

RECHA: Guessed it? What? that I
Am Christian and not Nathan's daughter?

(*She swoons*)

SALADIN: What!

Whose cruelty has sown this sharp suspicion
In thy fond heart? Ah! if there be two fathers
At strife for thee, quit both, and take a third.
Take Saladin for father! I'll be kind.

SITTAH: Brother, you make her blush.

SALADIN: In a good hour. Blushing becomes the fair.
But see, our Nathan's coming, with another.
Canst guess, sweet girl? Ay, when he comes, blush crimson.

(*Enter NATHAN and the TEMPLAR.*)

Come, stickle not for niceties with him.
Make him thy offer, doing for him more,
Far more, than he for thee, for what was that
But make himself a little sooty. Come!

(*Seeks to lead her to the TEMPLAR.*)

NATHAN (*solemnly*): Hold, Saladin; hold, Sittah!
There's another

Whom I must speak with first—the maiden's brother.

TEMPLAR (*bitterly*): He has imposed a father on her now
He'll shark her up a brother! Where's the man?

NATHAN: Patience, sir.

SALADIN: Christian, such words as yours had never passed
My Assad's lips.

NATHAN: Forgive him, Saladin.

* Adapted from Gotthold Ephraim Lessing, *Nathan der Weise* (1778–1779), in *Lessings Werke* (Stuttgart, 1867–1873), III, 177–186, *passim*.

Oh! Christian, you have hid from me your name.
 Conrad of Stauffen is no name of yours,
 But Guy of Filnek—mark. I tax you not
 With falsehood; for your mother was a Stauffen.
 Her brother's name was Conrad. He perchance
 Adopted you?

TEMPLAR: Even so the matter stands.

NATHAN: Your father was my friend. He called himself
 Leonard of Filnek, but no German he.
 He had espoused a German.

TEMPLAR: Ah! no more,
 I beg, but tell me who is Recha's brother.

NATHAN: Thou art the man!

TEMPLAR: What, I? I Recha's brother?

RECHA: My brother—he?

SITTAH: So near akin—

RECHA (offering to embrace him): My brother!

TEMPLAR (*withdrawing*): Brother to her!

RECHA (*to NATHAN*): It cannot be. His heart
 Knows nothing of it.

SALADIN: What! not acknowledge
 A sister such as she? Go!

TEMPLAR: Saladin!
 Mistake not my amazement. Thy Assad
 At such a moment, had done likewise.
 Oh, Nathan, you have taken, you have given—
 Yes, infinitely more—my sister—sister!

(*Embraces RECHA.*)

NATHAN: Blanda of Filnek! Guy! My children both!

SITTAH: Oh! I am deeply moved.

SALADIN: And I half tremble
 At thought of the emotion still to be.
 Nathan, you say her father was no German.
 What was he, then?

NATHAN: He never told me that.
 But ah! he loved the Persian speech and owned
 He was no Frank.

SALADIN: The Persian! Need I more? 'Twas my Assad!

NATHAN: Look in this book!

SALADIN: Ayl 'tis his hand, even his.
 Oh, Sittah, Sittah, they're my brother's children.

(*He rushes to embrace them, SITTAH also embraces the pair.*)

Now, now, proud boy, thou canst not choose but love me.
(To RECHA) And I to thee am all I sought to be,
With or without thy leave.

TEMPLAR: I of thy blood? Then all the tales I heard
In infancy were more than idle dreams.

(*Falls at SALADIN's feet.*)

SALADIN (*raising him*): There's malice for you!
Knew it all the time,
And yet he would have let me murder him.
Boy, boy! (*They embrace in silence.*)

46 Social Life of the German Nobility at the End of the Eighteenth Century

Because of the persistence of particularism in the German territorial states, the feudal nobility retained a far greater importance in national life than did the nobility of other European states. The German Junkers, settled for the most part in Pomerania and East Prussia, regarded themselves as the cream of the old nobility. They were hereditary owners of landed estates, strongly religious, and champions of royalty. Always reactionary and ultraconservative, they believed that the principle of "authority, not majority" was the most desirable platform for a healthy state. They supported the monarchy—as long as the monarch did not use his power to weaken their position. Frederick the Great was vigilant against them, but they retained their rigid and exclusive system of hereditary privilege.

The Junkers of the late eighteenth century, as described by Freiherr von Eichendorff, were, for the most part, an uneducated, hard-riding, hard-drinking class of agricultural landlords. Later, these Junkers began to turn away from an exclusively agricultural life. In Silesia they joined the bourgeois entrepreneurs in exploiting the mineral wealth of that area. Although the Junkers resided on manors, living like their ancestors, they did not, as did the overwhelming majority of the English nobility, remain content

with the passive state of landlordism. As the New Industrial Revolution took root in Germany, the Junkers of Silesia and the industrialists of the Rhineland played a decisive role in the surge of Germany to world economic power.

Freiherr von Eichendorff on the German Nobility *

The most numerous, the healthiest, and by far the most amusing groups of German nobility in the eighteenth century were those living in almost insular fashion on small manors distant from the great cities. To this nobility the life of the outside world, of which the newspapers brought word now and then, appeared as if it were a wonderful fairy tale. The great monotony was relieved by the numerous hunting parties, which were accompanied by enormous noise, wild shooting, and typical adventurous tall tales about hunting prowess.

Also there were the necessary journeys to the annual fairs at the closest town. Clad in their Sunday best, the ladies went to these fairs, journeying not without danger over the bad roads, in swaying antique coaches drawn by four horses which were constantly lashed by the drivers. The gentlemen followed on a so-called "*Wurst*," a long, padded conveyance, on which they sat in close rows, seemingly suspended in the air.

Most delightful were doubtless their winter balls, which the neighbors offered one another on their snowed-in manors. Here it was demonstrated how inexpensive it is to have a good time, especially when little effort is made in preparation. The great living rooms were quickly cleared; the schoolmaster and his band formed the orchestra; the shimmering rays of lanterns glimmered into the farthest corners around and over the group of stewards' and hunters' wives who stood at the open door, crowding to watch in sheer delight as the nobles danced by.

Just as radiant were the eyes of the young noble ladies, who constantly whispered and gossiped with one another. One could compare them with young kittens, who darted around in a wild but attractive manner in the spring sunshine.

The ball was always opened with a traditional flourish of drums signaling the beginning of a minuet, which was very badly danced; and it closed with exactly the opposite, a furiously danced Sir Roger.

* Adapted from Joseph Freiherr von Eichendorff, *Deutsches Adelsleben am Schlusse des achtzehnten Jahrhunderts*, as quoted in Klaudius Bojunga, Anna Hoffa, and Fritz Sandman, *Lebensgut* (Frankfort on Main, 1936), pp. 172-175.

An especially talented pair of dancers was always surrounded by a crowd of admiring observers, and most of all when the "Cossack" was danced; in this, one gentleman and a lady took turns in dancing in elegant movements, the male in wonderful boldness as if he were a Jumping Jack on the end of a string.

All the time the fiddles sang and the trumpets blared, and one could hear the tinkling of glasses in the adjoining rooms. After a while, when the punch had made itself felt, the old gentlemen, to the obvious embarrassment of their wives, joined the dance with undreamed-of springs and steps; it was a really contagious joy. And then came the journey home through the ghost-like stillness of the winter landscape.

The most fortunate lived in contented comfort, though in insignificant houses (unaccountably called "castles"), which, even in the most attractive districts, were not constructed for the best possible view, but rather so that the stalls and barns could be seen from all the windows. The aim of the gentlemen was to have a paying farm, that of the ladies was the designation of a "Choice Hostess." They had neither time nor inclination for the beauties of nature; they were themselves creatures of nature.

Whatever poetry there was in life was relegated as a useless pursuit for the young daughters, who, in addition, in their few leisure hours, banged out old arias and sonatas on a bad piano, and then retired to the fruit and vegetable gardens situated behind the house to bedeck themselves with choice flowers.

At break of day there came a tremendous tumult in the house and courtyard. Everywhere doors slammed, voices quarreled or intoned prayers, as servants milked the cows and churned butter; and the swallows, as if they were taking part in the festivities, flew happily over the confusion. Then through the open windows streamed the morning sun over the whole house, lighting up the gilded frames of family portraits and the brass ornaments of the old furniture.

The neighbors often came to visit on good summer afternoons. After the bustling greetings and polite questions about health, all retired to the small private arbor, on whose shingled roof there was the inevitable painted wooden statue of Cupid, complete with bow and arrow. Here the ladies exchanged jokes and pleasantries, here much coffee was consumed, a great deal of tobacco smoked, and a lot of male conversation exchanged about grain prices, weather for the crops, lawsuits, and difficult tasks, while the naughty little Junker lads climbed the cherry trees and bombarded their little sisters with the stones. And meanwhile, there came from the courtyard the

chatter of sparrows, the gobble of turkeys, the monotonous cadence of the thrashers, and all that wonderful music of farm life which often makes those who have left the farm suddenly sink into homesickness, as the Swiss pine for the Alps.

47 Schiller on Freedom, 1804

Friedrich von Schiller (1759–1805), the foremost German dramatist, devoted his life to the promotion of his fierce desire for political and social liberty. “Through all his works,” wrote Goethe, “there runs the idea of liberty.” His last-completed drama, *Wilhelm Tell*, which was produced in March, 1804, is a vivid picture of a popular struggle for freedom. The work was designed to show the liberating effect of love for country and of a struggle for the common welfare against an abuse of power. The following brief excerpts from Act II show how the Swiss took a pledge to fight for freedom against Hermann Gessler, the tyrannical governor of Schwyz and Uri.

Excerpts from *Wilhelm Tell*, Act II *

(A midnight meeting on the Ruetli. MELCHTHAL, BAUMGARTEN, FÜRST, STAUFFACHER, and their friends, thirty-three in all, eleven from each canton, are assembled in conclave round a fire. TELL is not among them.)

STAUFFACHER: And so I say,
Nature's primeval state returns again,
Where man stands hostile to his fellow man;
And if all other means shall fail his need,
One last resource remains—his own good sword.
Our dearest treasures call to us for aid,
Against th'oppressor's violence; we stand
For country, home, for wives, for children here!

* Johann Christoph Friedrich von Schiller, *Wilhelm Tell* (1804), excerpted and condensed from Act II.

PART III

*The War of Liberation
and the Revolution
of 1848*

48 The Reform Edict of 1807

The rout of the Prussian army and its Saxon allies at Jena (October 14, 1806) and the humiliation of the Peace of Tilsit (July 9, 1807) forced the Prussians to attempt a radical reform of their whole social structure. At the heart of the reform movement was Karl Freiherr vom und zu Stein (1757–1831), an imperial knight of Nassau, whose passionate hatred of “foreigners” led him into service of the Prussian state. He recognized that the militaristic and thoroughly bureaucratic system of Prussia was a main obstacle to any worthwhile reform, and urged its complete overhaul. Although Frederick William III in January, 1807, dismissed vom Stein as “intractable, obstinate, and disobedient,” the King was forced to call the “eccentric official” back ten months later.

The most important of vom Stein’s reforms was that of October, 1807, abolishing serfdom and certain ancient restrictions. Issued as a royal decree, the document is cautious in tone. Actually, the power of the lords was not destroyed, but, on the contrary, was protected by the King. Nevertheless, this reform, though it fell short of what vom Stein and others had hoped, did much to consolidate Prussia’s position in Germany.

Extracts from the Prussian Reform Edict of October 9, 1807 *

We, Frederick William, by the grace of God, King of Prussia, etc., hereby make known and proclaim:

Since the establishment of peace, we have been concerned above all with relieving the depressed condition of our loyal subjects and with the quickest possible revival and greatest possible improvement of the situation. We have considered that because of the widespread want, the means at our disposal would not be sufficient to assist each individual, and even if they were sufficient, we could not hope to accomplish our purpose. Moreover, in accordance with the imperative demands of justice and with the principles of a wise economic policy, we should like to remove every obstacle which, in the past, has prevented the individual from attaining that prosperity he was capable of reaching. We have further considered that the existing restrictions, both on the ownership and enjoyment of landed property and on the personal status of the agricultural worker, are at odds with our beneficent desires and serve to handicap a powerful force that might be used in the restoration of agriculture. Not only do these restrictions have a prejudicial influence on the value of landed property and the credit of the owner, but also they diminish the value of labor. It is our desire, therefore, to reduce both restrictions insofar as the common welfare demands. Therefore, we proclaim the following:

NO. 1. FREEDOM OF EXCHANGE OF PROPERTY. Every inhabitant of our States shall have the right, without any limitation upon the part of the state, to own or mortgage landed property of any kind. It follows that the noble, therefore, may own not only noble, but also non-noble, citizen, or peasant lands of any kind, and the citizen and peasant may own not only citizen, peasant, or other non-noble, but also noble tracts of land without the necessity, in any case, of acquiring special permission for any acquisition whatsoever. However, from this time on, as before, every change of ownership must be reported to the authorities. All privileges possessed hitherto by noble over citizen are completely abolished. . . .

NO. 2. FREE CHOICE OF OCCUPATION. Every noble is allowed, from this time on, without any derogation from his status, to engage in citizen occupation, while every citizen is permitted to pass from the citizen into the peasant class or vice-versa. . . .

NO. 12. ABOLITION OF SERFDOM. From Martinmas, 1810, all serfdom shall end throughout our entire realm. From Martinmas, 1810,

* Georg H. Pertz, *Das Leben des Ministers Freiherrn vom Stein* (Berlin, 1850), II, 23 ff.

there shall be only free individuals, such as is already the case on the royal domains in our provinces—free persons, but still subject, as a matter of course, to all the obligations which bind them, as free persons, because of the ownership of an estate or because of a special contract.

Everyone whom it may concern, especially our provincial authorities and other officials, is required to conform exactly and loyally to this declaration of our supreme will, and this decree is to be made universally known.

Given under our own royal signature, at Memel, October 9, 1807.

FREDERICK WILLIAM
SCHROTTER STEIN SCHRÖTTER II

49 Fichte's Addresses to the German Nation, 1807-1808

The beginnings of German nationalism, or the more perfect union of the various German states in a German nation, may be traced to the winter of 1807-08. German morale was low at the time. Napoleon had occupied Berlin and, at Tilsit, near the Russian border, had concluded a peace, by which Prussia had ceded all her territories west of the Elbe. During these dark days, Johann Gottlieb Fichte (1762-1814), one of the greatest of German philosophers, delivered at Berlin his famous fourteen addresses to the German people, *Reden an die deutsche Nation*.

His patriotism roused to the utmost by Napoleon's victories in Germany, Fichte passionately reminded his hearers that their German forefathers had refused to remain under the Roman yoke. He called upon his fellow countrymen to establish German freedom upon the highest moral basis, to refuse submission to Napoleon, and to become aware of their great historical mission. Linking love of liberty with national aspiration, Fichte called for a strong German nationalism rather than a narrow Prussian or Austrian patriotism. Fichte's addresses, said the German historian Friedrich Meinecke, in 1908, "have been published, read, and

become famous as one of the greatest beacons of our new German history.”

Fichte on German Liberty *

Our earliest common ancestors, the primordial stock of the new culture, the Germans, as the Romans called them, courageously resisted the world domination of the Romans. Did the Germans not recognize the superior brilliance of the nearby Roman provinces and the more refined enjoyments in those provinces, as well as the abundance of laws, judge's seats, lictor's axes and rods? Is it not true that the Romans were more than willing to allow them to share in these blessings? Did not several of their own princes, who believed that war against such benefactors of mankind was rebellion, experience rewards in the highly praised Roman spirit of clemency? Those who submitted to the Romans were given such marks of distinction as kingly titles, high rank in the armies, and Roman fillets. If their countrymen drove them away, were they not given refuge and subsistence in the colonies by the Romans? Is it possible that they had no appreciation of the advantages of the Roman civilization, for example, of the superior organization of their armies, in which even an Arminius did not let pass the opportunity to learn the trade of war? They cannot be accused rightly of ignorance or want of consideration of any of these things.

The descendants [of these Germans], as soon as they could do so without losing their freedom, even went so far as to assimilate the Roman culture, insofar as this was possible without losing their identity. Let us ask why, then, did they struggle for several generations in sanguinary conflicts that broke out again and again with greater and greater force? A Roman writer places these words into the mouths of their leaders: "What was there left for them to do, except to maintain their liberty or perish before they became slaves?" Liberty to them meant this: persisting to remain Germans and continuing the task of settling their own problems, independently and in consonance with the original spirit of their race . . . , and propagating this independence in their posterity. All the blessings which the Romans offered them, as a result of which they would have had to become non-German, meant slavery. They would have become half-Roman. They assumed as a matter of course that every German

* Johann Gottlieb Fichte, *Werke*, Fritz Medicus ed. (Leipzig, n.d.), pp 365-611, *passim*.

would rather die than become a Roman, and that a true German would want to live only to be and remain a German and to bring up his children as Germans.

They did not all perish. They did not become slaves. They bequeathed liberty to their children. The modern world must thank them for what it is now because of their refusal to yield. If the Romans had succeeded in making slaves of them, if the Romans had destroyed them as a nation, which the Romans had done in every other case, the entire history of the human race would have been different. We, the inheritors of their soil, their language, and the way of thinking, must thank them for being Germans. . . . The other branches of the human race, those we now regard as foreigners but who are actually our blood-brothers, are indebted to the Germans for their very existence. . . .

Our present problem . . . is simply to preserve the existence and continuity of what is German. All other differences vanish before this higher point of view. . . . It is essential that the higher love of Fatherland, for the entire people of the German nation, reign supreme, and justly so, in every particular German state. No one of them can lose sight of the higher interest without alienating everything that is noble and good. . . .

These addresses have invited you, as well as the entire German nation, insofar as it is possible at the present time, to rally the nation around a speaker by means of the printed book, to come to definite decisions, and to be of unanimous mind on the following questions:

1. Whether it is true or untrue that there exists a German nation, and whether or not its continued existence is at the present time in danger.
2. Whether it is worthwhile or not to maintain this nation.
3. Whether or not there is any certain and thorough means of maintaining it, and what this means is.

50 Turnvater Jahn and the Genesis of German Nationalism

Modern German nationalism was born in the darkness of Napoleonic despotism. As a means of forgetting their degradation,

Germans turned their eyes backward to a great legendary past, when the old imperial Germany had been the cockpit of Europe. German romanticists sought to draw strength from German antiquity, from the German landscape, from the German language, customs, and art.

Among those who devoted their lives to the cause of German nationalism was an eccentric demagogue, Friedrich Jahn (1778-1852), who conceived the idea of reviving the morale of his countrymen by improving their physical condition. Borrowing the basic elements of Swedish drill, he devised a series of gymnastic exercises to develop the physical and moral powers of German youth. He was convinced that Germans had become infected with Gallic cosmopolitanism and, consequently, were soft and effeminate. He called for a self-assertive, self-confident nation, which, far from taking orders from a foreign conqueror, would be ready to throw its weight around in world society. If the human race were composed of tigers and lambs, he wanted the Germans to be tigers.

Jahn was not content merely to preach the virtues of a sound body; he was equally insistent that German regeneration required radical innovations in manners, morals, and even language. An impassioned activist, he was outspoken and, on occasion, reckless in his actions. But, like all demagogues, he had a sound instinct for the feelings of the masses. The Germans received his system of gymnastics gratefully, and to this day they regard it as one of the most popular activities of their everyday lives.

Jahn's magnum opus was a kind of handbook of nationalism, designed to lead the German people to an understanding, and love, of the Fatherland. Written with almost religious intensity, it emphasized blind worship of the state, veneration of the leader, a demand for the rebirth of national consciousness, a strong belief in the virtues of militarism, and contempt for the foreigner, especially the Jew. Since Jahn's book has never been translated into English, the following précis is presented as a summary of its salient political, social, and pedagogical ideas.

A Précis of Jahn's *Das deutsche Volkstum* **Explanation*

These pages represent the work of many years. Through them I hope to stimulate the German spirit for the well-being of the Fatherland. I have sought to follow the stream of events from the first well-known sources in order to discover the higher signs. Prussia has always been for me the kernel of a Germany broken into fragments. Austria is a large melting pot composed of people speaking seven languages. Other German states, both large and small, are either powerless, lacking outlet to the sea, or dependent on foreign influences. Prussia, on the other hand, is the stem of the German plant. The spirit of the old, noble German Reich lives in Prussia. When Germany is united under Prussian leadership, she will become the founder of eternal peace in Europe, the protecting angel of mankind!

As a young man, I felt the troubles of my Fatherland much more deeply than others felt them. My hopes for Germany and German-ness live; my belief in humanity does not vacillate.

Introduction to the General Life and Characteristics of a People

Volkstum is the common character of a people, its inner being, its rules and life, its power of development, its power of progress. All peoples have their own peculiar thoughts and feelings, loves and hates, joys and sorrows, hopes and yearnings, ancestors, and beliefs. German means national. Our feeling of nationalism, or German-ness, has been disappearing more and more because of our own sins. We must return to the lost past and re-create Nation, German-ness, Fatherland. A nation is not made by the outer band of the state which encloses it. Much more important is what exists inside—the quiet, trustful community of interests and mutual love. Only by a study of this general inner life and characteristics of a people can we answer the questions and solve the puzzles which have remained too difficult for the mere state history. *Volkstum* is the true measuring-rod of peoples, the right scale to weigh their values.

* Friedrich Ludwig Jahn, *Das deutsche Volkstum* (Niemann und Comp. Lubeck, 1810).

Chapter 1: Natural Classification of Fundamentals

The German arrangement of states is an unnatural one. The princes, many of whom obtained their positions by accident, form no true union. And yet every state must be the body, all the provinces must be its limbs. Nature has split Europe into eternal divisions. The balance of power between these areas has been maintained by constant wars. In the future there will be wars between these divisions of peoples, but they will be holy wars. The German people, who belong to one natural division, have been split into states, provinces, and districts. By the Peace of Tilsit, Prussia lost some of her limbs.

Chapter 2: Uniform Inner State Administration

Principles must be set up for the administration of the new Germany (Empire, provinces, marches, districts, communities), for the judiciary, and for a simplified system of taxes. A constitution must be carefully prepared. The state must take the place of the father in the education of children. For the state the most important schools are the public schools and the parish schools. A good village teacher is a very important man. Mathematics, drawing, and the sciences should be stressed in the lower grades. The most important duty of the school is to teach the young pupil his duties as a citizen; he should learn his trade or profession elsewhere. The universities should on no account lose their connection with the national spirit. The highest forms of science should be taught at the universities. When professors can no longer make progress in their field, they should be honorably retired. Every university should be connected with a scientific society. The public schools and public school teachers are to be preferred to private schools and private tutors. Any teaching lacking in conscientiousness, any teaching of an immoral or degrading character, should be strongly forbidden. Textbooks should be carefully chosen; unripe books are more dangerous than unripe potatoes.

Chapter 3: Unity of the State and the People

The striving for unity is a beautiful votive offering of humanity: One God, One Fatherland, One Home, One Love. The demand for unity is the first self-assertion of a new nation. For its own security the state must see to it that every house can be used for the quarter-

ing of troops, that those who defend the country be paid and be given pensions, that widows and orphans of veterans receive care and attention, and that the poor be taken care of. The state must utilize the press for its continued existence. The state is the only master, and all laws must recognize that basic fact. There must be a system of uniform measures (weight, coins) in the state. There must be a close relationship between civil and military law; the common soldier is to be tried by court-martial, the captain by civil authorities. The state must put a stop to the overabundance of laws: "Germany, because of its laws, has no law. . . ."

Chapter 4: The Church

The feel of eternity accompanies the individual throughout his life. There is immortality of the soul. Man is more than an animal, and better than a beast. Religion should not be tolerated simply as a pious child's play. The church is not over the state, nor is it under it, nor is it nearby; it is inside the state. I remain true to the German Church, into which I was born and in which I was raised; love for Fatherland honors the belief of the fathers.

The Evangelical-Lutheran Church should be supported in each and every one of our homes. Love is the spirit of early Christianity, and love never divides, it unites. Unfortunately, Protestants have split themselves into many groups, and this has reacted to the disadvantage of the German people. Protestant pastors should make certain that they do not become too worldly.

The renaissance of early Christianity took place only among the Germans. Among the Germans, Christianity took on a real national character. No other people ever took so important a matter to its inner being and defended it so strongly against inimical powers. For the entire German people, Luther was an awakener, a renewer of life, the herald of their literature, the patriarch of a future great German nation.

Piety and devotion, essential parts of the character of the Germans, have been the source of great and glorious deeds.

Chapter 5: National Education

Few persons are really educated, and few know how to educate others. Fathers and mothers, holy names, it is up to you; without

you, all other efforts and work on your children are lost. The clumsy doctor buries his shame; grass grows on it, and it is soon forgotten. The unscrupulous educator is indicted by the gallows, by prisons, and by the original sin, for which history has no forgiveness. The blessing of a good education is spoken in the words: "A good education is a surely placed level which permits mankind to rise to a higher stage." It is better to have no education than a bad one.

In the process of education it is best to maintain a real childhood as long as possible. A childhood without a childish disposition is like a rudderless boat sent on the stream of adolescence. Parents are wrong if they beg obedience from their children by flattery and gifts.

All education must be national education and must be designed as education for the whole nation. The ideal of national education should be the complete man and citizen.

The objects of true national education are:

a) *Education of the Whole Man*: Production of a rational, thinking, manly, and independent spirit is the aim of all true education.

b) *Learning of the Mother Tongue*: Man thinks only through his language. A man can become great only through his native tongue. Every man has a mother; a mother tongue is enough for him. Mother love is the first translator of speech; the mother tongue is the open door to heart, memory, and reason. The mother tongue must be learned, not simply for mere knowledge, but for employment in life in the right manner of speaking, reading, talking, writing, and singing.

c) *Reading the Classical National Writings*: The art of reading must be learned early in school life. Reading without plan and choice has evil effects. We are rich in German classics, which every German should read, re-read, and re-read again. No man can separate himself from his people; he must always make it his aim in life to consider himself and his people one.

d) *Political Science*: Must be distinguished from constitutional law and political history. The study of geography must be more than population statistics and superficial descriptions of the earth. The student must learn clearly the entire story of what makes his Fatherland function.

e) *Fatherland History*: A living history of the Fatherland is a prerequisite for life. The entire history of the nation in both its spirit and speech must be taught. History must portray the heart and soul of a people. He who loves his nation must know its history.

f) *Manual Labor*: Every child should be taught to work with his

hands. Every citizen must be able to turn to handwork for the sake of his own health.

g) *Selection of a Fixed Occupation*: Every citizen must select an occupation of some kind. Every individual must serve the common welfare as best he can, with head, hand, foot, or money.

h) *Bodily Exercises*: Walking, running, springing, throwing, carrying, climbing, and mounting are of equal worth. Attention must be paid to climbing of hills and mountains, skiing, shooting, rowing, steering of boats, sailing, fencing, and riding. Gymnastics is an ideal means to complete national education. Exercise of the body must be placed alongside learning of the mother tongue as a most important pursuit of learning.

i) *Girls' Schools*: The education of girls is as important as that of boys. What girls have learned in their virginal days will be of value for the nation during the time of their marriage.

Chapter 6: National Constitution

The German states were founded on the basis of estates, which should form the links of an unending chain. The old fundamental laws of the Germans do not suffice any longer, and, unfortunately, new ones are not being enacted. The national Reichstag must represent the people, and must not be a collection of property-owners. The individual who stands and falls with his state can give it the best advice. No people can be more easily ruled than that which has a popular constitution.

Our fate has always been tied up with dynasties, from which run the streams of our fortunes and misfortunes. Where are the foreign royal houses which can stand comparison with the Hapsburgs and Hohenzollerns? In the Hohenzollerns we find a princely house which has been successful in drawing small, defenseless peoples into a united people. . . .

Chapter 7: National Feeling

In the whole history of a people its holiest moment is when it awakens from its unconsciousness and for the first time thinks of its old holy rights. A people which grasps its sense of nationality with pleasure and love can always celebrate its rebirth. The nation must fight all foreignisms. The Germans, like the Romans, must be

recognized by a national costume. National holidays must be celebrated as an integral feature of the national life. Monuments must be erected to our national heroes. We must celebrate such occasions as the triumph of Arminius over Varus in A.D. 9. Every monument is an example of deed and reward.

Chapter 8: National Literature

A people is first made into a nation by its mother tongue. Attention to the national vernacular has made victors and rulers. The mother tongue must be the speech of the court, the administration, and the intellectuals. All foreign words are to be avoided. Only German family names should be permitted. The true mother tongue will be expressed in an unfalsified way in the national literature. The ancient spirit of a people will be recognized in its popular literature, and this is the only measure for its value. A people who have a true national literature have an immeasurable treasure. The most important quality of these books must be an easy, comprehensible style. Every citizen must be able to read and absorb them. One of the best examples of popular national literature is the collection of fairy tales by the Grimm brothers.

Chapter 9: Domestic Life

In the words of Luther, "marriage is the greatest wonder in the world." The German should not make a showpiece of his wife, nor should he regard her as a plaything. Domestic life is a life in itself. The power in life is exhibited in a community of love. Only a sensible housekeeper can succeed in marriage. The more human a people, the more respect it gives to the feminine sex. The state can be held together only by sensible fathers and mothers. Without marriage and domestic life, man would have remained a ranting beast.

Chapter 10: Travel in the Fatherland

Wandering by foot through the Fatherland is one of the most important parts of a spiritual and physical education. Such journeys are necessary because they broaden the mental horizon. Community

traveling awakens slumbering virtues, the sense of belonging, a common spirit, and love for humanity.

Conclusion

Man is fated to become a man, and that nobility he cannot obtain alone. He is indeed a world-in-himself, but he is not the only world. He is not an animal, for he feels the necessity of joining others. Every man must feel this and be convinced of it in his own conscience.

51 Poet of the War of Liberation: Ernst Moritz Arndt

The initial impetus to German nationalism came from a group of early Romantics—Arndt, the Schlegel brothers, Tieck, Novalis, Herder, Fichte, Schelling, Schleiermacher, and the Grimm brothers—all of whom saw culture as the expression of the German national soul. Outstanding among these poets, scholars, and publicists was Ernst Moritz Arndt (1769–1860), who projected the idea of combining all German-speaking peoples into one politically powerful union. Born in the same year as Napoleon, the young Arndt grew up in an atmosphere of freedom and abundance. In 1800 he became an instructor at the University of Greifswald, and was raised to professor in 1806.

In pamphlets, poems, and songs, Arndt aroused a crusading spirit in his countrymen against the French conqueror. He bitterly condemned the German princes for “selling their people into bondage,” and called upon all Germans to rise and break the French stranglehold. His stirring calls to action immediately came to the attention of Napoleon. Arndt was forced to flee to Sweden to escape the dictator’s agents. From exile he sent a steady stream of pamphlets, songs, and poems to his countrymen. He refused to accept the catastrophes of Jena and Auerstädt as

the last word of Germany's destiny, and attributed Prussia's ignominious defeats to the fact that there was no popular will to resist the French conqueror. To create that will in all Germans became his life's ambition. "It is possible to defeat Napoleon only with his own weapons. His soldiers are ordinary mortals and as soldiers, are less brave than Hungarians, Austrians, and Swedes. . . . German generals! Trust and believe in your men! They are firm, stout-hearted, loyal, and courageous. When the final reckoning comes, . . . they must be inspired by justice and Fatherland!" *

Arndt's stirring, popular war songs were designed primarily to help the consciousness of a common German Fatherland. Through all this poetry ran the central theme of a revived German past and an admonition to cherish the native and the national. He composed some of the best-known war songs of the day, such as *Was ist des Deutschen Vaterland*; *Vaterlandslied: Der Gott, der Eisen wachsen liess*; *Was blasen die Trompeten?*; *Sind wir vereint zur guten Stunde*; *Es zog aus Berlin ein tapferer Held*.† The first two, given here in full, will suffice to show the quality of the songs which had such an enormous vogue among Germans during the War of Liberation:

Where Is the German's Fatherland? ‡

Where is the German's Fatherland?
Is't Swabia? Is't the Prussian land?
Is't where the grape glows on the Rhine?
Where sea-gulls skim the Baltic's brine?
O no! more great, more grand
Must be the German's Fatherland!

Where is the German's Fatherland?
Bavaria, or the Styrian's land?

* E. M. Arndt, *Geist der Zeit* (Altona, 1806), p. 289.

† *Where Is the German's Fatherland? Patriotic Song: The God Who Made Earth's Iron Hoard. What Means the Trumpets' Blowing? When, Happy Comrades, We're United. There Went from Berlin a Hero Bold.*

‡ Translated by Alfred Baskerville in *The Poetry of Germany* (Baden-Baden and Hamburg, 1876), pp. 150-152.

Is't where the Marser's cattle graze?
Is't the Mark where forges blaze?
O no! more great, more grand
Must be the German's Fatherland!

Where is the German's Fatherland?
Westphalia? Pomerania's strand?
Is't where the sand wafts on the shore?
Is't where the Danube's surges roar?
O no! more great, more grand
Must be the German's Fatherland!

Where is the German's Fatherland?
Say how is named that mighty land!
Is't Tyrol! Where the Switzers dwell?
The land and folk might please me well.
O no! more great, more grand
Must be the German's Fatherland!

Where is the German's Fatherland?
Say how is named that mighty land!
Ah! Austria surely it must be,
In honors rich and victory,
O no! more great, more grand
Must be the German's Fatherland!

Where is the German's Fatherland?
Say how is named that mighty land!
Is it the gem which princely guile
Tore from the German crown erewhile?
O no! more great, more grand
Must be the German's Fatherland!

Where is the German's Fatherland?
Name me at length that mighty land!
"Where'er resounds the German tongue,
"Where'er its hymns to God are sung."
Be this the land,
Brave Germany, this thy Fatherland!

There is the German Fatherland,
Where oaths are sworn by clasp of hand,

Where faith and truth beam in the eyes,
And in the heart affection lies.
Be this the land,
Brave German, this thy Fatherland!

There is the German's Fatherland,
Where wrath the Southron's guile doth brand,
Where all are foes whose deeds offend,
Where every noble soul's a friend.
Be this the land,
All Germany shall be the land!

All Germany that land shall be,
Watch o'er it God, and grant that we,
With German hearts, in deed and thought,
May love it truly as we ought.
Be this thy land,
All Germany shall be the land!

II Patriotic Song: The God Who Made Earth's Iron Hoard *

The God who made earth's iron hoard
Scorned to create a slave,
Hence unto man the spear and sword
In his right hand he gave.
Hence him with courage he imbued,
Lent wrath to freedom's voice,
That death or victory in the feud
Might be his only choice.

What God hath willed will we uphold,
And with true faith maintain,
And never in the tyrant's sold
Cleave human skulls in twain;
But him whose sword wins shame shall we
In pieces hew and tear,
In German land he ne'er shall be
Of German men the heir.

* *Ibid.*, pp. 155-157.

O Deutschland, holy Fatherland!
 Thy faith and love how true!
 Thou noble land! thou lovely land!
 We swear to thee anew.
 Our country's ban for knave and slave!
 Be they the raven's food!
 To freedom's battle march the brave,
 'Tis fell revenge we brood.

Let all that glows, let all ye can,
 In flames surge high and bright!
 Ye Germans all, come, man for man,
 And for your country fight!
 Now raise your hearts to Heaven's span,
 Stretch forth your hands on high,
 And cry with shouting, man for man,
 "Now slavery shall die!"

Let drum and flute, let all ye can,
 Resound with thrilling peal!
 This very day, yes, man for man,
 Will steep in blood the steel.
 In tyrant's blood, in Frenchmen's blood—
 O day of sweet revenge!
 That sound, to German ears so good,
 Will our great cause avenge.

Let flags and banners, all ye can,
 Wave o'er our heads on high!
 Today we swear, yes, man for man,
 The hero's death to die.
 Wave o'er the daring phalanx, wave,
 Thou flag of victory!
 We'll vanquish, or seek in the grave
 The pillow of the free.

52 The War of Liberation, 1813

Following the series of military and social reforms, German resentment against Napoleonic domination finally burst into an uprising in 1813, the War of Liberation. The great outpouring of emotional enthusiasm against the Napoleonic yoke was recorded by Ernst Moritz Arndt in a famous passage which is quoted below. This selection was reprinted again and again in German textbooks throughout the period of the struggle for national unification, throughout the Empire from 1871 to 1919, during the Weimar Republic from 1919 to 1933, and during the Third Reich.

Arndt on the War of Liberation *

Fired with enthusiasm, the people rose, "with God for King and Fatherland." Among the Prussians there was only one voice, one feeling, one anger and one love, to save the Fatherland and to free Germany. The Prussians wanted war; war and death they wanted; peace they feared because they could hope for no honorable peace from Napoleon. War, war, sounded the cry from the Carpathians to the Baltic, from the Niemen to the Elbe. War! cried the nobleman and landed proprietor who had become impoverished. War! the peasant who was driving his last horse to death. . . . War! the citizen who was growing exhausted from quartering soldiers and paying taxes. War! the widow who was sending her only son to the front. War! the young girl who, with tears of pride and pain, was leaving her betrothed. Youths who were hardly able to bear arms, men with gray hair, officers who on account of wounds and mutilations had long ago been honorably discharged, rich landed proprietors and officials, fathers of large families and managers of extensive businesses

* Ernst Moritz Arndt, *Das preussische Volk und Heer* (1813), quoted in *Geschichte für Mittelschulen*, edited by P. Jennrich, K. Krause, and A. Viernow (Halle on Saale, 1941), pp. 111-112.

—all were unwilling to remain behind. Even young women, under all sorts of disguises, rushed to arms; all wanted to drill, arm themselves and fight and die for the Fatherland. . . .

The most beautiful thing about all this holy zeal and happy confusion was that all differences of position, class, and age were forgotten . . . that the one great feeling for the Fatherland, its freedom and honor, swallowed all other feelings, caused all other considerations and relationships to be forgotten.

53 Proclamation of King Frederick William III to His Troops, 1813

Frederick William III (1797–1840) had neither the strength nor the ability to meet the grave crises facing Prussia during his reign. By the Treaty of Tilsit, July 9, 1807, he agreed to surrender half his dominions. What remained was bled white by the French conqueror. With the uprising of 1813, however, this weak, unimaginative monarch suddenly, if temporarily, emerged as an enthusiastic leader of his people. His proclamation to the troops at Breslau on March 17, 1813, is similar to other exhortations to troops before battle, but it does indicate the tremendous enthusiasm with which Germans took up arms in the war for liberation from Napoleon.

Text of the Proclamation, Breslau, March 17, 1813 *

Many times in the past you have expressed the desire to fight for the freedom and independence of the Fatherland. That moment has now arrived! There is no section in which the people have not felt it. From all sides our youngsters and men have hurried to volunteer. What these people have done through their free will is a profession for you who belong to the standing army. From you—dedicated as you are to defend the Fatherland—it is right to demand, just as the others beg for, the opportunity to serve.

* Quoted by Otto Hellinghaus, in *Denkwürdigkeiten aus der Zeit der Freiheitskriege, 1813–1815* (Freiburg in Breisgau, 1913), pp. 53–54.

See how many have left everything that is dearest to them in order to offer their lives with you for the cause of the Fatherland. Therefore, you must doubly feel your holy duty! Be mindful of it on the day of battle as well as in periods of self-denial and hardship. Any individual ambitions—be they among the highest or the lowest in the Army—must disappear before the common good! He who feels for the Fatherland must not think of himself. Let there be contempt for the selfish—the general good before all! Everything must give way to that! Victory comes from God. Show yourselves worthy of His high protection by being obedient and loyal! Let courage, endurance, loyalty, and strict order be your glory! Follow the example of your forefathers; be worthy of them and think of your posterity!

Certain reward shall come to him who distinguishes himself; deep shame and strong punishment shall be the lot of him who forgets his duty.

Your King always remains with you; with him the Crown Prince and the Princes of his house. They shall fight with you—they and the entire people shall fight with you, as well as a courageous nation which has won its independence through glorious deeds. This people relied on its ruler, its leaders, its cause, its power—and God was with it. So must you do! For we also fight the great battle for the independence of the Fatherland.

Let faith in God, courage, and endurance be our solution!

54 The German Confederation, 1815

An important step in German national unification was taken at Vienna in 1815, when the German Confederation was established. The temporal and ecclesiastical princes of the pre-revolutionary German states, as well as some of the fifteen hundred imperial knights, converged to demand their restoration on the principle of "legitimacy." But the statesmen of Vienna made no attempt to revive the old Holy Roman Empire, which Napoleon had dissolved in 1806. Instead, they established a loose union of sovereign princes, representing some thirty-eight states and free cities. It was not unlike the union established in America by the Articles of Confederation.

The Bundestag, or Diet, the legislative body, in reality a congress of ambassadors, met at Frankfort on Main, under the presidency of Austria. Among the members of the Diet were the king of England (as king of Hanover), the king of Denmark (as duke of Holstein), and the king of the Netherlands (as grand duke of Luxemburg). No important measure could pass the Diet without a two-thirds vote, as a result of which the legislative body became "a center of inertia."

The German Act of Confederation reflected the rivalry of Austria and Prussia. It did not provide for German national unity, but it had at least built the framework for it. The monarchical machine that was Austria strongly opposed any efforts at German national unification, for fear that the diverse elements within her own borders might catch the fever of nationalism. This act, termed a "spider's web" by a discerning historian, remained in force from 1815 to 1866, when Austrian domination was finally and successfully challenged by Prussia.

Extracts from the German Act of Confederation, June 8, 1815 *

In the name of the Most Holy and Indivisible Trinity:

The sovereign princes and the free towns of Germany, motivated by their common desire to implement Article VI of the Peace of Paris (May 30, 1814), and convinced of the advantages which would accrue for the security and independence of Germany and for the well-being and equilibrium of Europe from a strong and lasting union, have agreed to unite themselves in a perpetual confederation, and, for this reason, have given their representatives and envoys at the Congress of Vienna full powers. . . .

ARTICLE 1. The sovereign princes and the free towns of Germany, including their Majesties, the Emperor of Austria and the Kings of Prussia, Denmark, and the Netherlands—the Emperor of Austria and the King of Prussia because of their possessions formerly belonging to the German Empire; the King of Denmark for Holstein; and the King of the Netherlands for the Grand Duchy of Luxemburg—unite in a perpetual union which shall be called the German Confederation.

* P. A. G. von Meyer, *Corpus juris confederationis Germanicae*, 2d ed. (Frankfort on Main, 1833), II, 3 ff.

ARTICLE 2. The aim of this Confederation shall be the maintenance of the external and internal security of Germany as well as the independence and inviolability of the individual German states.

ARTICLE 3. All members of the Confederation shall have equal rights. They all agree to maintain the Act of Confederation.

ARTICLE 4. The affairs of the Confederation shall be managed by a Diet of the Confederation, in which all members of the Confederation shall vote through their representatives, either individually or collectively, in the following manner, without prejudice to their rank:

VOTES		VOTES	
1. Austria	1	13. Brunswick and Nassau	1
2. Prussia	1	14. Mecklenburg-Schwerin and Mecklenburg-Strelitz	1
3. Bavaria	1	15. Holstein-Oldenburg, Anhalt, and Schwarzburg	1
4. Saxony	1	16. Hohenzollern, Liechtenstein, Reuss, Schaumburg-Lippe, and Waldeck	1
5. Hanover	1	17. The Free Towns, Lübeck, Frankfurt, Bremen, and Hamburg	1
6. Württemberg	1		
7. Baden	1		
8. Electoral Hesse	1		
9. Grand Duchy of Hesse	1		
10. Denmark, for Holstein	1		
11. The Netherlands, for the Grand Duchy of Luxemburg	1		
12. The grand ducal and ducal houses of Saxony	1		
Total votes			17

ARTICLE 5. Austria shall preside over the Diet of the Confederation. Each member of the confederation shall have the right to initiate and support proposals. Austria as the presiding state is bound within a given period to bring these proposals to deliberation.

ARTICLE 6. When fundamental laws of the Confederation are to be enacted or amended . . . the Diet shall exist as a general assembly, in which the distribution of the votes, based upon the geographical extent of the individual states, shall be as follows:

VOTES		VOTES	
1. Austria	4	23. Anhalt-Bernburg	1
2. Prussia	4	24. Anhalt-Cothen	1
3. Saxony	4	25. Schwarzburg-	
4. Bavaria	4	Sondershausen	1
5. Hanover	4	26. Schwarzburg-	
6. Württemberg	4	Rudolstadt	1
7. Baden	3	27. Hohenzollern-	
8. Electoral Hesse	3	Hechingen	1
9. Grand Duchy of		28. Liechtenstein	1
Hesse	3	29. Hohenzollern-	
10. Holstein	3	Sigmaringen	1
11. Luxemburg	3	30. Waldeck	1
12. Brunswick	2	31. Reuss, Elder	
13. Mecklenburg-		Branch	1
Schwerin	2	32. Reuss, Younger	
14. Nassau	2	Branch	1
15. Saxe-Weimar	1	33. Schaumburg-Lippe	1
16. Saxe-Gotha	1	34. Lippe	1
17. Saxe-Coburg	1	35. The Free Town	
18. Saxe-Meiningen	1	Lübeck	1
19. Saxe-Hildburg-		36. The Free Town	
hausen	1	Frankfort	1
20. Mecklenburg-		37. The Free Town	
Strelitz	1	Bremen	1
21. Holstein-Olden-		38. The Free Town	
burg	1	Hamburg	1
22. Anhalt-Dessau	1		
Total votes		<hr/> 69	

ARTICLE 9. The Diet of the Confederation shall meet at Frankfort on Main. The first meeting shall take place on September 1, 1815. . . .

ARTICLE 11. All members of the Confederation pledge themselves to protect Germany as a whole, and also every single confederated state, against attack. . . . If war is declared by the Confederation, no individual member may negotiate separately with the enemy, conclude an armistice, or make peace.

ARTICLE 12. The members of the Confederation reserve to themselves the right of forming alliances of any kind. However, they pledge themselves to make no commitments that shall be directed against the security of the Confederation or any individual state within it.

55 The Wartburg Festival, 1817

German protest against submitting to Austrian power in the German Confederation was strongest and loudest among the young and vital minority of the population. On October 17 to 19, 1817, at Wartburg Castle in Saxe-Weimar, hundreds of students from some thirteen universities gathered at a great festival to celebrate jointly the three hundredth anniversary of Luther's promulgation of the Ninety-Five Theses and the fourth anniversary of the Leipzig Battle of the Nations, Napoleon's last fight on German soil.

The celebration began in a solemn and dignified manner, but, on the evening of the 19th, the students worked themselves into a political orgy. After a torchlight procession, a great bonfire was kindled, and books of "anti-student" and "reactionary" tendency were cast into the flames, along with a bagwig, a pair of guardman's stays, and a corporal's cane—symbols of the military authoritarian state.

This auto-da-fé was partly a students' prank and partly the expression of a serious revolutionary nationalism. The account of the proceedings reprinted below was published by a Jena professor, Lorenz Oken, who edited a paper called *Isis*, in which, among articles of scientific interest, he inserted political items directed against Austrian despotism. The issue containing this account of the Wartburg Festival was confiscated by the authorities and destroyed, but facsimiles were published elsewhere.

Eyewitness Account of the Wartburg Festival *

Assured of the permission of His Royal Highness, our Grand Duke, the authorities and citizens of Eisenach took all necessary measures

* J. G. Legge, *Rhyme and Revolution in Germany* (London, 1918), pp. 21-25. By permission of Constable and Company, Ltd., London.

to make cheap, comfortable, and agreeable the visit of the students who thronged to the sacred festival. They were quartered in the town for three days, the 17th, 18th, and 19th of October; the Hall of the Knights in Wartburg was bedecked with wreaths, and provided with tables and benches to seat seven hundred to eight hundred men. Such was the total number present at the midday meal on the day of victory, the rest of us included. Representatives had come from Berlin, Erlangen, Giessen, Göttingen, Halle, Heidelberg, Jena, Kiel, Leipzig, Marburg, Rostock, Tübingen, and Würzburg.

On the 19th at nine in the morning, the students, who had assembled in the market place, marched to the castle, banners and a band at their head. We accompanied them. Of the professors who had this festival at heart, who saw in it the germ of some great and fruitful tree, and had come designedly to judge—from the proceedings, the students' conduct, and events that passed—what might be expected of its blossoming, there were four of us, Fries, Kieser, Schweitzer, and myself. We were shown to a place opposite the speakers. When general silence was obtained, a student delivered a speech on very much the following lines: He spoke of the aim of this assembly of educated young men from all circles and all races of the German Fatherland; of the thwarted life of the past; of the rebound, and the ideal that now possessed the German people; of hopes that had failed and been deceived; of the vocation of the student and the legitimate expectations which the Fatherland founded upon it; of the destitution and even persecution to which a youth devoting himself to science had to submit; finally, how they must themselves take thought to introduce among them order, rule, and custom—in a word, "student-form"—must earnestly and together take thought for the ways and means of facing worthily the duties of their calling, to divert in their direction the regard, at once comforting and encouraging, of grown-up people, who unfortunately could attain to nothing more themselves, and to be to them in days to come what they would that young men should be. The audience, and we men among them, were moved to tears, tears of shame that we had not so acted, of pain in that we were cause of such distress, of joy over this intellectual message, so beautiful, so pure, so clear, of joy too for that we had so brought up our sons that they should one day win the victory where we in our folly had failed.

By one and another, further encouraging speeches were delivered, and then the company made for the courtyard of the castle until the tables were spread. . . .

In one of the groups a speech of the following tenor was delivered: Dear friends, you must not let this movement of emotion and exaltation pass in smoke. It will not return. Now or never must you be united. You must not let the matter rest at mere emotion, you must not allow any one to depart from the Wartburg Festival without taking some real possession with him. . . . What is the situation now? What have we gained? Are our relations different from what they were before? Are the "nations" dissolved? Are we members of a greater society? Does each of us only represent the Students' Union of his individual university, or do we together form branches of a universal German Students' Union? . . .

Therefore must you give the students a handsel. Only a few laws, but if you want them in words—all students are one; they all belong to one single nation, the German; they all follow the same precepts and customs. . . . The university man, come he whence he may, can find occupation and a position in Austria, Prussia, Bavaria, Hanover, Saxony, in Swabia, Franconia, Thuringia, Hesse, Mecklenburg, Holstein, on the Rhine, in Switzerland. He speaks no more the speech of his village, of his town; he is not one who understands only this or that trade which ties him to a particular workshop or to the soil; he is a universal man! It is a shame not to have advanced oneself further by study than to be a Thuringian, a Hessian, a Franconian, a Swabian, a Rhinelander!—If the university man is by nature no provincialist, so it is unnatural to try and force him to be one by means of an artificial institution. . . .

. . . Let your name be what you are alone and exclusively, namely, the Students' Union or the League of Youth. Thereto you all belong, and no one else. But be on your guard against wearing a badge and so sinking to party distinctions, proof that you do not realize that the status of the educated class reproduces in itself the whole state, and therefore destroys its being by breaking up into parties. Also beware of the vain thought that it is on you that Germany's being and continuance and honor depend. Germany depends only on itself, on Germany as a whole. . . . Your duty is indeed to act firstly as parts of the head; but the head is powerless when the limbs and the entrails refuse their office. Now you stand for Youth, which has no other proper business than so to maintain itself that it grows in beauty, educates itself, does not wear itself out in dissipation, and therefore concentrates itself on the goal, and bothers itself about nothing else save insofar as it keeps clear in sight the goal which man should pursue. Yours is not to discuss what should or should not happen in the state; what alone is seemly for you to consider is, what your busi-

ness shall one day be in the state, and how you can prepare yourselves to be fit for it. . . . Ponder on that! Do not depart as you came! Make certain firm resolutions, and take them home with you. A written word has marvelous power! . . .

Then trumpets gave the signal for dinner. 'Twas a merry meal. Wine warmed the feelings and the good resolutions that beamed from every countenance. Some toasts were proposed which did not seem to us in the spirit of the feast; therefore we kept our good wishes in our hearts.

After dinner, about three o'clock, the procession made its way downhill and shoulder to shoulder with the *Landsturm*, like friends, into the city church, where the sermon aroused general emotion. Then followed a display of gymnastic exercises in the market place, after which darkness fell. Thus every moment was passed in praiseworthy activity.

At seven the students, some six hundred of them, each with a torch, marched up the hill to the triumphal bonfire where the *Landsturm* were already assembled. On the hilltop songs were sung, and another speech delivered by a student.

Afterwards trial by fire was held over the following articles, which were first displayed high in the air on a pitchfork to the assembled multitude, and then with curses hurled into the flames. The articles burnt were these. a bagwig, a guardsman's stays, a corporal's cane. . . .

At twelve there was a move to bed.

Next day the students again assembled during the forenoon at the Wartburg, and there was much eager discussion anent the "student-form" of the future, especially as regards a limit to dueling. The students from Giessen, who had hitherto been split by nationalities into hostile camps, threw themselves into each other's arms and made friends. Thus did a sacred moment of freedom, when only the voice of youth was heard in counsel, accomplish what the court of Darmstadt with all its soldiers, the whole Senate with all its laws and periwigs, could not bring about—rather had fanned the flame more fiercely! If courts and parliaments do not know how to handle students, there is a real need that they should learn how in their policy of intimidation (there is a more expressive word, emasculation) they should conduct themselves. Force is always, as a remedy, the wrong end of the stick, and governance by soldiers will never more be endured.

Thereafter a number took their departure, but many remained for supper. Thus did the students of Germany celebrate the Festival of the Wartburg!

Many of those who manage the affairs of Germany, and still more, those who mismanage them, might well take the conclave at the Wartburg as an example.

56 The Carlsbad Decrees, 1819

Metternich resisted any efforts at German national unification for fear that the diverse nationalities within Austria's borders might be infected with the fever of nationalism. Annoyed by the Wartburg Festival, he was goaded into more repressive action. Then, on March 23, 1819, a fanatical student named Karl Sand murdered Kotzebue, a reactionary journalist suspected of being a spy in the pay of Russia.

Metternich drew up the Carlsbad Decrees, which provided for special officials in the German universities to supervise the conduct of students and teachers, established a rigid censorship, and called for the arrest and imprisonment of German patriots. Later affirmed by the Bundestag, or Diet, of the Confederation at Frankfort on Main, the Carlsbad Decrees suppressed liberty in the Germanies for a full generation, and, in effect, determined what kind of political system the Germanies were to have for the time being.

Main Provisions of the Carlsbad Decrees *

1. There shall be appointed for each university a special representative of the ruler of each state, the said representatives to have appropriate instructions and extended powers, and they shall have their place of residence where the university is located. This office may be held by the current rector or by any other individual whom the government considers to be qualified.

This representative shall enforce strictly the existing laws and dis-

* P. A. G. von Meyer, *Corpus juris confederationis Germanicae*, 2d ed. (Frankfort on Main, 1833), II, 138 ff.

ciplinary regulations; he shall observe with care the attitude shown by the university instructors in their public lectures and registered courses; and he shall, without directly interfering in scientific matters or in teaching methods, give a beneficial direction to the teaching, keeping in view the future attitude of the students. Finally, he shall give unceasing attention to everything that may promote morality . . . among the students. . . .

2. The confederated governments mutually pledge themselves to eliminate from the universities or any other public educational institutions all instructors who shall have obviously proved their unfitness for the important work entrusted to them by openly deviating from their duties, or by going beyond the boundaries of their functions, or by abusing their legitimate influence over young minds, or by presenting harmful ideas hostile to public order or subverting existing governmental instructions. . . .

Any instructor who has been removed in this manner becomes ineligible for a position in any other public institution of learning in another state of the Confederation.

3. The laws that for some time have been directed against secret and unauthorized societies in the universities shall be strictly enforced. Such laws are applicable especially to the association formed some years ago under the name of Allgemeine Burschenschaft, for the organization of that society implies the completely impermissible idea of permanent fellowship and constant intercommunication between the universities. The special representatives of the government are enjoined to exert great care in watching these organizations.

The governments mutually agree that all individuals who shall be shown to have maintained their membership in secret or unauthorized associations, or shall have taken membership in such associations, shall not be eligible for any public office.

4. No student who shall have been expelled from any university by virtue of a decision of the university senate ratified or initiated by the special representative of the government, shall be admitted by any other university. . . .

1. As long as this edict remains in force, no publication which appears daily, or as a serial not exceeding twenty sheets of printed matter, shall be printed in any state of the Confederation without the prior knowledge and approval of the state officials. . . .

4. Each state of the Confederation is responsible, not only to the state against which the offense is directly committed but to the entire Confederation, for any publication printed within the limits

of its jurisdiction, in which the honor or security of other states is impinged upon or their constitution or administration attacked. . . .

7. When a newspaper or periodical is suppressed by a decision of the Diet, the editor of such publication may not within five years edit a similar publication in any state of the Confederation.

57 The Burschenschaft, 1820

The Carlsbad Decrees were directed in part against the Burschenschaft, a German patriotic student organization. Until 1815, German students had been organized in youth clubs called Landsmannschaften, and from these emerged the later student corps which stressed particularistic, dynastic loyalties. The first Burschenschaft was organized in June, 1815, at the University of Jena, the most nationalistic of all German universities, by eleven students who had fought in the War of Liberation. Influenced by the ideas of Fichte and Jahn, and encouraged by the Grand Duke of Saxe Weimar, the new association called for the rebirth of Germany as an entity, and a revival of the Christian spirit. Its slogan was "Freedom, Honor, Fatherland!"; its colors, black, red, and gold. Spreading rapidly, the movement finally culminated in the formation of the Allgemeine Deutsche Burschenschaft in 1818.

Since the Burschenschaft from the outset was violently anti-Austrian, it was banned by Metternich, whereupon it was immediately reconstituted as a secret association. On October 18, 1820, at considerable risk to themselves, the students of the Burschenschaft met on the battlefield of Leipzig. The following address, made by a nineteen-year-old student, Karl August von Hase (1800-1890), who later became a famous Protestant theologian and church historian, indicates the emotional intensity of the student movement. In his seventies, Hase witnessed the achievement of the German unity he had so fervently demanded; on his ninetieth birthday he announced that his views had not changed one iota.

Extracts from Karl von Hase's Speech to the Youth of the
Free Universities of Germany, October 18, 1820 *

Comrades, brothers, friends!

Seven years ago today a magnificent victory was won on this battlefield of the Fatherland, and the thousands who were sacrificed in this triumph happily joined their free fathers, dying with the feeling that they gave their blood for holy things—for the Fatherland's great future. And the hearts of all Germans beat as one, filled with love, hope, and confidence in the promised greatness, freedom, and unity, in the fulfillment of the princely words of that man who, torn from wife and children, found happy death in the thunder of battle: "We demand the return of our stolen independence; the German Reich must be rejuvenated in honorable form; and, invigorated, vitalized, and unified, the German nation must once again take the lead among European peoples." . . .

Like everything beautiful, the most beautiful of all blooms in youth. This century has seen no more magnificent festival than that celebrated by our brothers three years ago at the Wartburg. As much as that festival has been slandered, it needs no defense from me. All the great resolves made then in the hearts and minds of those young people, all the great enthusiasm engendered there for a well-rounded human life, will be this festival's witnesses before God, and witnesses before a righteous people. My eyes often become wet with joy, or, perhaps, with melancholy, when I think of that day of which I have only heard, that day with its hopes and its stars, which have now disappeared, and its dawn, which has now been dimmed. Hail to those happy ones who by every handshake gave reminder that they must live and die for the land of their fathers! . . .

A people who fought seven years ago on this battlefield is worthy of a better fate. And if the magnificence of that great day has disappeared, if all the palms of victory have withered, if all the medals and trophies of great victories have faded, if all hopes have been deceived—one thing remains and shall remain, that is, the great ideas, or to put it in German, the visions, proclaimed on that day. . . .

The first vision seems to me to be this: Happiness and pleasure are not the highest aims of the people, but freedom. That is the will of God and reason.

* Karl von Hase, *Reden an die Junglinge der freien Hochschulen Deutschlands*, quoted in Theodor Flathe, ed., *Deutsche Reden: Denkmäler zur vaterländischen Geschichte des neunzehnten Jahrhunderts* (Leipzig, 1893), I, 88–103, *passim*.

From this it follows: The happiness and the greatness of a people depend only on the highest possible liberty of all citizens and the equality of all, established by laws they make themselves or that are made by their representatives.

The third, however, is a heart-stirring conviction which is instinctive in every truly great person: An enthusiastic people which is willing to fight for such laws and for such a Fatherland cannot be conquered—even if there are a one hundred thousand Persians standing against ten thousand heroes of Marathon. . . .

The fourth belongs to us alone and is the most beautiful of all: Germans are we all together! There are few Saxons, few Bavarians, no more Hessians; the Franks do not wish to say much, the Prussians can be mastered; but that wonderful people from the Weichsel to the Vosges, from the North Sea over the Alps to Carpathia, made equal through speech, customs, and descent, all citizens of the Reich—a unified people of brothers is irresistible. . . .

You, ghosts of the fallen, be our witnesses, ghosts of our great fathers, look upon us! We swear never to flinch, never to tremble, we swear in this dark hour our loyalty to the Fatherland, loyalty to all good and beautiful, loyalty until death. And if anyone of us forgets this oath in his everyday life . . . may you hallowed dead remind him in fearful tones that his life is a groan, his last sigh a curse, he will never know how to die! As Leonidas, we consecrate ourselves to death, to life or death for truth and freedom. Bless us for this, all you martyrs of freedom!

Look, brothers, the golden stars peek through the heavens here and there! God hears our oath. Yes, Thou hearest our oath, God of Heavens and the earth! We bend our knees before Thee, where our victorious warriors once kneeled before Thee to thank Thee for their triumph and besought Thee to bless their people. . . . Thou givest the victory to freedom, my God, for Thine is the power and the glory forever! Amen.

58 The Zollverein, 1819, 1834

In the Zollverein, or Customs Union, the Germans obtained one of the most important attributes of their nationality. And Prussia,

by appropriating the leadership of the Zollverein, placed herself in a favorable position to assume control of German affairs. Long regarded as an important step in the direction of German national unification, the Zollverein, paradoxically, was originally a device utilized by Prussia to prevent a general German economic union. The Prussians were concerned lest any such union achieved through the German Confederation might result in Austrian hegemony in Germany.

The chief supporter of the Zollverein idea was not a Prussian, but a Württemberger economist, Friedrich List (1789-1846). A pioneer of national economics, List was a battered and bruised soul during his lifetime, the target of unappreciative German industrialists, and the prey of the Austrian secret police. After his death, when it became obvious that his system of national economy was, in reality, designed as a service to his Fatherland, he was placed on a pedestal as one of Germany's outstanding patriot-heroes.

The following excerpts from List's major work, *The National System of Political Economy*, were among the first expressions in the Germanies of the national concept at the economic level. By directing attention to dynamic "national enrichment" over static "national wealth" (in the Adam Smith sense), List contributed to the type of thinking that was to dominate German national thought.

The second selection gives the restrained and objective reaction of an Englishman, John Bowring, in a report on the Zollverein to Lord Palmerston. The third selection shows Metternich's attitude toward the Zollverein. Metternich regarded List as "a heroic swindler" and "the tool of squealing German manufacturers," and labeled the Prussian Customs Union "a prejudicial and extremely deadly institution."

I Excerpts from Friedrich List's *The National System of Political Economy* *

I was not satisfied with teaching young men the science of political economy in its present form; I desired also to teach them by what

* Friedrich List, *Das nationale System der politischen Ökonomie* (Stuttgart, 1925), pp. xxxix, x, xl-xli, xliii, 141, 143, 77, 83, 85, 82.

economic policy the welfare, the culture, and the power of Germany might be promoted. . . .

I was led to consider the nature of *nationality*. I perceived that the popular theory took no account of *nations*, but simply of the entire human race on the one hand, or of single individuals on the other. I saw clearly that free competition between two nations which are highly civilized can be mutually beneficial only in case both of them are in a nearly equal position of industrial development, and that any nation which, owing to misfortunes, is getting behind others in industry, commerce, and navigation, must first of all strengthen its own individual powers. In a word, I perceived the distinction between *cosmopolitical* and *political* economy. I felt that Germany must abolish her internal tariffs, and by the adoption of a common uniform policy toward foreigners, strive to attain to the same degree of commercial and industrial development to which other nations have attained by means of their commercial policy. . . .

One of the articles [the 19th] of the German Diet, expressly left the door open for the establishment of a *national commercial system*. This article appeared to me to provide a basis on which the future industrial and commercial prosperity of the German Fatherland might rest, and hence the idea arose of establishing a league of German merchants and manufacturers for the abolition of our internal tariffs and the adoption of a common commercial policy for the whole of Germany. . . .

I would indicate, as the distinguishing characteristic of my system, *nationality*. On the nature of *nationality*, as the intermediate interest between those of *individualism* and of *entire humanity*, my whole structure is based. I hesitated some time whether I should not term mine the *natural* system of political economy, but was dissuaded from so doing by the remark of a friend, that under the title superficial readers might suppose my book to be a mere revival of the physiocratic system. . . .

My sole encouragement lies in the thought that much will be found in my book that is new and true, and also somewhat that may serve especially to benefit my German Fatherland. . . .

Between each individual and entire humanity stands *the nation*, with its special language and literature, with its peculiar origin and history, with its special manners and customs, laws and institutions, with the claims of all these for existence, independence, perfection, and continuance for the future, and with a separate territory. The nation is a society which, united by a thousand ties of mind and of interests, combines itself into one independent whole, which recog-

II The Zollverein Through British Eyes *

My Lord,

In compliance with the instructions which I had the honour to receive from your Lordship, dated Foreign Office, July 14, 1839, I proceed to report on the progress, present state, and future prospects of the Prussian Commercial League.

No doubt this great Union which is known in Germany by the name of *Zoll Verein* or *Zoll Verbände* (Toll Association or Alliance), derived its first and strongest influence from a desire to get rid of those barriers to intercommunication which the separate fiscal legislation of the various states of Germany raised among a people whom natural and national feelings, as well as common interests, would otherwise have connected more intimately and permanently together.

The Zoll Verein represents, in Germany, the operation of the same opinions and tendencies which have already effected so many changes in the commercial legislation of other countries. In the United Kingdom the Custom-house laws which separated Scotland and Ireland from England have been superseded by a general system applicable to the whole. In France the local barriers and the local tariffs have given way to a general and uniform system of taxation. Even before the Commercial League associated so many states in a common union, several less extensive combinations had prepared the way for a more diffusive intercourse. Between the states which do not form part of the Prussian League—as, for example, between Hanover and Brunswick and Oldenburgh—the same tariffs have been adopted, and the payment of duties in one of the states is sufficient to secure free sale or transit in the other.

The Commercial League is, in fact, the substantial representative of a sentiment widely, if not universally, spread in Germany—that of national unity. It has done wonders in breaking down petty and local prejudices, and has become a foundation on which future legislation, representing the common interests of the German people, may undoubtedly be hereafter raised. If well directed in its future operation, the Zoll Verein will represent the fusion of German interests in one great alliance. The peril to its beneficial results will grow out of the efforts which will be made, and which are already made, to give by protections and prohibitions an undue weight to the smaller and sinister interests of the Verein. But if its tariffs be so moderate and so judicious as to allow full play to the interests of the consumers in

* John Bowring, *Report on the Prussian Commercial Union, British Parliamentary Papers* (January 16–August 1840), VI, 381–389.

the field of competition—if there should be no forcing of capital into regions of unproductiveness or of less productiveness—if the claims of manufacturers to sacrifices in their favour from the community at large be rejected—if the great agricultural interests of Germany recover that portion of attention from the *commercial* union to which they are justly entitled—if the importance of foreign trade and navigation be duly estimated—the Zoll Verein will have the happiest influence on the general prosperity. And that the League has been much strengthened by the experience of its benefits—that its popularity is extending—that its further spreading may be confidently anticipated—appears to be indubitable. In fact the Zoll Verein has brought the sentiment of German nationality out of the regions of hope and fancy into those of positive and material interests; and representing as it does the popular feeling of Germany, it may become, under enlightened guidance, an instrument not only for promoting the peace and prosperity of the states that compose it, but of extending their friendly relations through the world. . . .

The objects proposed by the Zoll Verein were the removal of all restrictions to communication and transit, the abolition of all internal custom-houses, the establishment of a common tariff and system of collection, and the repartition of the receipts on all imports and exports according to the population among all the members of the League. . . . The intention of the tariff is to admit raw materials without any, or on merely a nominal duty. . . .

The Zoll Verein, by directing capital to internal, in preference to external trade, has already had a great influence in improving the roads, the canals, the means of travelling, the transport of letters—in a word, in giving additional impulse to inland communications of every sort. The isolation of the several German states, with separate fiscal interests, and often hostile legislation, prevented those facilities from being given to intercourse which are alike the evidence and the means of civilisation. On every side beneficial changes are taking place. Railways are being constructed in many parts of the German territory—steam-boats are crowding the German ports and coasting along the German shores—everything is transported with greater cheapness and rapidity.

III Metternich on the Zollverein, June, 1833 *

The German Confederation cannot be considered a really effective political institution, nor is it possible for it to maintain the high place which it has had on the European political scene, unless it remains completely faithful to the principle of equality of rights and duties among the members of the federal body. Special privileges for any powers whatsoever are banned by the Confederation, as created by the Act of the Congress of Vienna (with the exception that the presidency of the Diet is officially recognized as belonging to Austria); all members should exercise with equal liberty and independence their right of voting in the Diet, a right which the constitution guaranteed them. . . .

The situation has changed as a result of the formation of the Prussian Customs Union. Now a number of independent states accept, in relation to a neighbor superior in power, the obligation of conforming to *its* laws, of submitting to *its* administrative measures and *its* control in a most important branch of public finance. The equality of rights of the members, as arranged in the federal act and maintained until this time, now vanishes. . . .

Within the great Confederation, a smaller confederation is being formed, in every meaning of the term, a *status in statu*. . . . Little by little, under the direction of Prussia and by the necessary formation of common interests, the states which make up this union will compose a more or less compact body, which in every matter which comes before the Diet (and not simply in commercial affairs) will act and vote in common on the basis of prearranged principles. Under such circumstances, there can be no more useful discussions in the Diet. Such debates will be replaced by votes agreed upon in advance and motivated, not by the interests of the Confederation, but by the exclusive rights of Prussia. . . .

Your Majesty desires merely that each of the confederates in Germany should retain that liberty of movement and action which the federal laws recognized, and, further, that Austria's policy retain, through the activities of all, that influence which rightly belongs to her. . . .

Prussia can be counted upon to utilize all the resources of her political activity. She will use the satisfaction of material interests to weaken the influence of Austria over the courts dedicated to her system, to sabotage their relations with Austria, to make them used to the idea of turning their eyes to Berlin. . . .

* Prince Clemens Metternich, *Mémoires* (Paris, 1882), V, 524, 528.

59 The Death of Beethoven, 1827

Among the many contributions of the Germans to modern culture were the magnificent works of her composers—Bach, Handel, Spohr, Schumann, Mendelssohn, Brahms, Strauss, and Wagner. Towering above them all, in the opinion of many critics, was Ludwig van Beethoven (1770–1827), one of the most titanic figures in the history of the arts. A man whose volcanic moods matched his musical genius, Beethoven is venerated as the father of romanticism in music. The critic Ludwig Rellstab once declared: “As long as we do not have to tell of a Raphael grown blind in the vigor of his life, Beethoven will not meet his equal in happiness and misfortune, either in art or the history of the world.”

The only witnesses to Beethoven’s death were his sister-in-law and the composer Anselm Hüttenbrenner. Beethoven’s biographer, Alexander Thayer, visited Hüttenbrenner in Graz in 1860 and heard at firsthand the story of Beethoven’s last moments. Below is an excerpt from a letter to Thayer describing the death of the great composer.

Anselm Hüttenbrenner’s Description of Beethoven’s Last Moments, March 26, 1827 *

Frau van Beethoven and I were the only ones in the death chamber during the last moments of Beethoven’s life. Beethoven had lain unconscious, the death rattle in his throat from three o’clock in the afternoon till after five. Suddenly there came a flash of lightning accompanied by a violent clap of thunder, which garishly illuminated the death chamber (Snow was piled up outside Beethoven’s dwelling.) After this unexpected phenomenon of nature, which startled me greatly, Beethoven opened his eyes, lifted his right hand, and

* Adapted from A. W. Thayer, *Ludwig van Beethovens Leben* (1921), as quoted in Louis L. Snyder and Richard B. Morris, *They Saw It Happen* (Harrisburg, 1951), pp. 230–231.

clenched his fist. For several seconds his face wore an angry, defiant expression, as if he wanted to say:

"Inimical powers, I defy you! Away with you! God is with me!"

It also seemed as though, like a gallant commander, he wished to call out to his wavering troops:

"Courage, soldiers! Forward! Trust in me! Victory is assured!"

When he let the raised hand sink to the bed, his eyes closed halfway. My right hand was under his head, my left rested on his breast. Not another breath, not a heartbeat more! The genius of the great master of tones fled from this world of delusion into the realm of truth!

I pressed down the half-open eyelids of the dead man, kissed them, then his forehead, mouth, and hands. At my request Frau van Beethoven cut a lock of hair from his head and handed it to me as a sacred souvenir of Beethoven's last hour. Thereupon I hurried, deeply moved, into the city, carrying the intelligence of Beethoven's death to Herr Tobias Haslinger, and after a few hours returned to my home in Styria.

60 Goethe on Cosmopolitanism, 1830

Johann Wolfgang von Goethe (1749–1832), the greatest German poet and one of the great geniuses of history, touched virtually all areas of intellectual activity—poetry, religion, politics, esthetics, the natural sciences, and other fields. It has been said that the German nation, often unwittingly, owed much of its best achievements to this mighty Goethean intellect. The following passage from Eckermann's *Conversations with Goethe* shows that this profound thinker believed intensely in a universal humanitarianism, and, as early as the nineteenth century, warned his people of the dangers of unrestrained nationalism. Johann Peter Eckermann (1792–1854), friend and literary assistant to Goethe, has been called the ideal amanuensis.

Extract from *Conversations with Goethe*, 1830 *

"I have never used any affectations in my poetry. I have never written about anything that I did not personally experience, that has not urged me to creativity. I have composed love songs only when I have loved. How would it have been possible for me to write songs of hatred without hating! And, between us, I did not bear hatred toward the French, although I gave thanks to God that we were rid of them. How could it be possible for me, to whom culture and barbarism alone are of importance, to hate a people who are among the most cultivated on earth, and to whom I owe so great a part of my own cultivation?

"In the final analysis," Goethe continued, "national hatred is a peculiar thing. You invariably find it to be strongest and most violent where there is the lowest degree of culture. But there exists a degree wherein it vanishes completely, and wherein a person, to some extent, stands *above* nations, and feels the well-being or troubles of a neighboring people as if they had happened to his own. This degree of culture conformed to my nature, and I had become strengthened in it long before I reached my sixtieth year."

61 The Hambach National Festival, 1832

The fifteen years between 1815 and 1830 were for the European states a period of conflict between absolutism and liberalism. Metternich's policy of suppression and persecution was not wholly successful in silencing the agitation for reform and for constitutional government. The July, 1830, Revolution in France, epoch-making because it was a victory for the idea of revolution, spread to the Germanies, where several small states, such as Hesse-Cassel, Brunswick, and Hanover, were forced to grant constitutional charters. In Prussia, however, liberal nationalism and constitutionalism were rigidly suppressed.

The strong yearning of many Germans for liberal nationalism

* J. P. Eckermann, *Gespräche mit Goethe* (Leipzig, 1896), III, 156 (March 14 1830).

was indicated by the Hambach National Festival held on May 27, 1832, ostensibly to celebrate the anniversary of Bavaria's constitution, but actually to stimulate liberal sentiment. Twenty-five thousand people, utilizing every kind of vehicle for transportation, came from Bavaria, Central Germany, Alsace, the Palatinate, Baden, and Hesse-Darmstadt in a demonstration obviously aimed at public opinion. Speakers called for a strong Fatherland, the end of the princely houses, and freedom of speech, press, and assembly. Johann Georg August Wirth, editor of a liberal newspaper, *Die deutsche Tribüne*, advocated a republican Europe based on popular freedom, in an impassioned address at the festival.

Extracts from a Speech Delivered by Johann Wirth, May 27, 1832 *

The land, in which our language is spoken, the land, where our hopes live, where our love intoxicates us, where our joy blossoms, where the secret of all our sympathies and all our longings rests, this beautiful land has been devastated and plundered, torn apart and enervated, muzzled and disgraced. Its rich natural resources should have made it for all its children the home of joy and satisfaction, but, with the exception of thirty-four kings, it is for most of its inhabitants a place of hunger, grief, and misery. Germany, great, prosperous, mighty Germany, should have taken the front rank in the society of European states, but, plundered by traitorous families of aristocrats, she has been erased from the list of European states and is scorned by foreign peoples. Destined by nature to become the guardian in Europe of enlightenment, freedom, and international order, German power has been turned upside down to the suppression of freedom of all peoples and to the foundation of an eternal Reich of darkness, slavery, and raw power. . . .

Significantly, the reform of Germany, as the basis for the reorganization of Europe, is a great, common concern for all the peoples of our area of the world. Upon it depends the welfare of the great majority of all the nations of Europe, as well as the peace and happiness of the entire world. Even France can never attain freedom, happiness, and peace for any length of time unless there be a liberation and rejuvenation of Germany, because the incompatible principles of

* Johann Georg August Wirth, *Das Nationalfest der Deutschen zu Hambach* (Neustadt on Haardt, 1832), *passim*.

people's sovereignty and divine-right monarchy engender eternal friction and must kindle wars. This can be resolved only by the decisive triumph of the rational principle, that is, the triumph of a people's sovereignty in Germany. If, therefore, the reform of Germany lies so much in the interest of France, it would seem natural that German patriots, in their difficult and unequal struggle against the betrayers of their Fatherland, would place their hopes principally upon France. . . . But we can expect little or no help from France in our struggle for the Fatherland. We do not wish to buy our freedom at the price of another disgrace, namely, the relinquishing of the left bank of the Rhine to France. . . .

When the purest, most capable, and most courageous patriots have agreed upon suitable measures for the reform of our country, and also have joined together and published journals to win public opinion of all the people for these reforms, even though they be only twenty men filled with national pride, civic dignity, and the flame of love for freedom, . . . then will the strength of traitors be consumed into the dust before the consecrated fire of Fatherland-love and the might of public opinion. Germany will then see freedom and peace. No one who knows the freedom of the press can doubt this.

Therefore, German patriots, we shall elect men, who have been predestined because of their spirit, fiery zeal, and character, to begin and lead the great work of German reform. We shall find them easily, and then, through our requests, they shall close the holy alliance immediately and begin their important work. May this magnificent alliance then become the destiny of our people, may it begin, under the protection of law, the battle for our highest welfare; may it awaken our people to use their inner powers, without outside interference, for the renaissance of Germany; may it, at the same time, lead to an understanding with the patriots of neighboring countries, and when guarantees are given for the integrity of our territory, then may it lead to fraternal unity with the patriots of other nations, which have cast their lot for freedom, sovereignty of the people, and national happiness. Hail! Three cheers for the unified, free states of Germany! Hail! Three cheers for federated, republican Europe!

62 Beginnings of the Revolution of 1848 in Southwest Germany

After the Hambach National Festival, Metternich intensified his opposition to liberals and democrats in the Germanies. Shortly after the February Revolution broke out in Paris, similar movements began in southwest Germany, and also in Bavaria, Saxony, Hanover, and other areas. In each case the revolutionists demanded certain rights, as outlined in the anonymous account below. Frightened rulers immediately granted concessions, most of which proved to be only temporary, while others ordered their troops to disperse the people.

An Eyewitness Account *

In order to give a clear and distinct narrative of the complicated events which have taken place during the present year in Germany, we have had to consider carefully the question of arrangement; for, independently of the revolutionary movements in the separate kingdoms, there has been a long-sustained attempt to construct a new German nationality on the basis of a Confederation of all the states, with one great Parliament or Diet, and a Central Executive at Frankfort. . . .

It was in the southwestern states of Germany that the effects of the French Revolution began first to manifest themselves. On the 29th of February the Grand Duke of Baden received a deputation from his subjects who demanded liberty of the press, the establishment of a national guard, and trial by jury. They succeeded in their object, and M. Welcker, who had distinguished himself as a Liberal leader, was appointed one of the ministers.

On the 3d of March, the Rhenish provinces, headed by Cologne, followed the same example. On the 4th similar demonstrations took place at Wiesbaden and Frankfort, and on the 5th at Düsseldorf. At

* *Annual Register*, edited by M. Epstein (London, 1761 *et seq.*), 1848, pp. 356-358.

Cologne, on the 3d of March, the populace assembled in crowds before the Stadthaus, or town hall, where the town council were sitting, and demanded the concession of certain rights, which were inscribed on slips of paper and handed about amongst the mob. They were as follows: (1) Universal suffrage; all legislation and government to proceed from the people. (2) Liberty of the press and freedom of speech. (3) Abolition of the standing army and the armament of the people, who are to elect their own officers. (4) Full rights of public meeting. (5) Protection to labor, and a guarantee for the supply of all necessities. (6) State education for all children.

The military were, however, called out, and the streets were cleared without much difficulty.

At Wiesbaden, in Nassau, a large concourse of people met opposite the palace on the 4th, and demanded a general arming of the people under their own elective leaders; entire liberty of the press; a German Parliament; right of public meeting; public and oral trial by jury; the control of the duchy domain, convocation of the second chamber to frame a new electoral law on the basis of population, and to remove all restrictions on religious liberty. The Duke was absent at Berlin, but the Duchess, from the balcony of the palace, assured the people that their demands would be fully conceded by the Duke, her stepson. Subsequently appeared a proclamation in which the Duchess *guaranteed* the concession of these demands; and on the same day, in the afternoon, the Duke returned, and, immediately addressing the people, he ratified all the concessions made by the Duchess and his ministers.

63 The Unsuccessful Revolution in Prussia, 1848

The wave of revolution that swept through central Europe reached Berlin on March 13, 1848. The Prussian King, Frederick William IV (1840–1861), a firm believer in divine-right monarchy, who had little use for “liberal constitutions,” was infuriated by the mere thought of revolution. When a crowd of Berliners gathered on March 13th to petition for reform, the unnerved monarch quickly promised a constitution. On March 18th, a crowd gathered before the palace was fired upon by troops under the command of the heir to the throne, Prince William

(thereafter called the "Cartridge Prince" by Berliners). In the ensuing clash there was loss of life on both sides, whereupon the King excitedly wrote an appeal to his "beloved Berliners."

With the troops recalled and the palace unprotected, the Berliners conducted funeral services for their fallen comrades and forced the King to salute the corpses as they were brought by. Several days later, the King was required to parade through the streets wearing the German tricolor—black, red, and gold. Recovering his courage, Frederick William declared Berlin in a state of siege and ordered the army to restore order. Many leaders of the revolution were arrested, and popular meetings were suppressed. The clock was turned back to reaction.

Frederick William IV's "Appeal to My Beloved Berliners,"
March 19, 1848 *

The shout of joy which greeted me from unnumbered faithful hearts still resounded in my ears when a crowd of peace-breakers mingled with the loyal throng, making seditious and bold demands, and augmenting in numbers as the well-disposed withdrew. As their impetuous intrusion extended to the very portals of the Palace . . . the courtyard was cleared by the cavalry, at *walking pace and their weapons sheathed*; and two guns of the infantry went off of themselves, without, thanks be to God! causing any injury. A band of wicked men, chiefly consisting of foreigners, who, although searched for, have succeeded in concealing themselves for more than a week, have converted this circumstance into a palpable untruth, and have filled the excited minds of my faithful and beloved Berliners with thoughts of vengeance for supposed bloodshed; and thus have they become the fearful authors of bloodshed themselves.

My troops, your brothers and fellow countrymen, did not make use of their weapons till forced to do so by several shots fired at them from the Königstrasse. The victorious advance of the troops was the necessary consequence.

It is now yours, inhabitants of my beloved native city, to avert a fearful evil. . . . Remove the barricades which are still standing. . . . I pledge you my royal truth that all the streets and squares shall be instantaneously cleared of the troops, and the military garrisons shall be confined solely to the most important buildings. . . .

* *Annual Register*, edited by M. Epstein (London, 1761 *et seq.*), 1848, pp. 373-379.

Forget the past, as I shall forget it, for the sake of that great future which, under the peace-giving blessing of God, is dawning upon Prussia and through Prussia upon all Germany. . . .

Written during the night of the 18th and the 19th of March, 1848.

64 The Frankfort National Assembly, 1848

The German liberals issued a call for a *Vorparlament* (Preliminary Parliament) which met and ordered general elections for a National Assembly to give Germany a constitution. The National Assembly, which met at Frankfort on Main on May 18, 1848, included forty-three university professors, fifty-seven high school teachers, one hundred and fifty-seven magistrates, sixty-six lawyers, two hundred mayors, one hundred and eighteen civil servants, eighteen doctors, forty-three writers, sixteen Protestant pastors, one German Catholic, sixteen Roman Catholic priests, sixteen army officers from the western states, fifteen postmasters and customs officers, and one hundred and sixteen others (including industrialists, bankers, and merchants). Predominantly middle class (there was not a single working-class representative, for most delegates to the Assembly believed that nothing good could come from intrusion of the masses into politics), they sought unity through persuasion, progress through moderation, and a better world through tolerance and good will.

The first of the following documents is a message from the federal Bundestag, which had been set up at the Congress of Vienna in 1815 to rule the Germanies and in which Austria had the dominant position. This communication wished good luck and good fortune to the representatives meeting at the Frankfort Assembly. The second document is from a speech by Heinrich von Gagern, of Hesse, a man of forceful character and personality, who had done much to bring the Frankfort Assembly into existence and who had been elected its president. Gagern strongly supported the idea of appointing a *Reichsverweser*, or Regent, to act as the provisional central authority.

I Opening of the German National Assembly, Frankfort on Main,
May 18, 1848: Message from the Bund *

The power of extraordinary events, the demands which have been expressed loudly throughout our Fatherland, and the past calls of the state governments have led, in this great hour, to this great Assembly, such as has never been seen in our history.

The best of our old political life is revealed in the basic principles of this Assembly, which has been greeted with joy and confidence by the entire German people. It is a great new achievement—the German Parliament.

The German governments and their common body, the Bund, are united with the German people in their similar love for our great Fatherland. We greet with joy the spirit of the times, and extend our hand of welcome to the national representatives and wish them good luck and good fortune.

II Excerpts from the Speech by Heinrich von Gagern
Before the Frankfort National Assembly †

Who is to create the central authority? Gentlemen, I deal the bold stroke and I say to you, We must ourselves create the provisional central authority. [*Prolonged and loud applause.*] It appears that the majority of this Assembly has come more and more to the view, which I, too, hold, that the future central authority must be placed in the hands of a Regent with responsible ministers.

If we desire such a Regent, as undoubtedly the majority of us here feel, we have found the man, a man of highest standing, who has shown himself worthy of the nation's support for the highest office, and a man who will certainly continue to show himself worthy. It is necessary that we choose a Regent from the highest sphere, for in circumstances such as exist now there is no private person, as perhaps some individuals or even parties have thought, who could assume the office. [*Cries of "Hear! Hear!" from the Right.*]

Gentlemen, seeing that I have argued this question fully before you, you can be reproached [*turning to the Left*] with having surrendered the principle of the nation's sovereignty. Most assuredly there will be found in my proposal no surrender of the principle, even if my opinion should be, as indeed it is, that this exalted person-

* Max Schilling, *Quellenbuch zur Geschichte der Neuzeit* (Berlin, 1884), p. 421.

† From the *Stenographischer Bericht* of the proceedings, edited by Franz Wigard (Leipzig, 1848), I, 114.

age must be a prince, which you must concede, not because of, but despite, the fact that he is a prince. [*General and repeated cheering and applause in the Assembly and in the galleries.*]

Gentlemen [*addressing the whole Assembly*], many bitter things have just been said of our princes, and the love of mankind has always been dear to me. [*Loud cheers from the Right.*] But, Gentlemen, to bear hatred against whole generations, without designating the individuals who may to some extent deserve hatred, is not magnanimous. [*On the Right, and in the galleries, repeated and prolonged cheers.*]

Let us unite as far as union is possible! Let us sacrifice what must be sacrificed in order to obtain and to lighten the passage toward better conditions. We do not compromise liberty, and we constitute the unity of our nation and Fatherland, for which we have yearned so long. [*Tumultuous and prolonged applause from all sides of the Assembly and from the galleries.*]

65 The Frankfort Constitution of 1849

The draft of the constitution completed by the Frankfort National Assembly in 1849 was an extraordinarily fine achievement. It provided for an executive of the realm, a responsible ministry, a Reichstag composed of a conservative upper house and a democratic lower house, and a supreme court. A nice balance was maintained between the large, powerful states and the petty states, between centralism and particularism, between power and liberalism.

The Constitution of 1849, with its seven sections and one hundred and ninety-seven paragraphs, is too lengthy to reprint in full here, but the salient parts in Section VI, "The Fundamental Rights of the German People," indicate how narrowly the German people missed the introduction of Western liberalism and democracy. Note how closely these provisions coincide with the English Bill of Rights, the provisions of the French Declaration of the Rights of Man, and the first ten amendments of the American constitution

Extracts from Section VI of the Frankfort Constitution *

SECTION VI. THE FUNDAMENTAL RIGHTS OF THE
GERMAN PEOPLE

¶ 130. The German people shall possess the following fundamental rights. These rights shall serve as a standard for the individual German states, and no constitution or legislation of a German state shall abolish or circumscribe them.

ARTICLE 1

¶ 131. The German people consists of the citizens of the states which make up the Reich.

¶ 132. Every German has the right of German Reich's citizenship. He can exercise this right in every German land. Reich's franchise legislation shall provide for the right of the individual to vote for members of the national assembly.

¶ 133. Every German has the right to live or reside in any part of the Reich's territory, to acquire and dispose of property of all kinds, to pursue his livelihood, and to win the right of communal citizenship.

The terms for living and residence shall be established by a law of settlement; trade regulations shall be established by regulations affecting trade and industry; both to be set by the Reich's administration for all of Germany.

¶ 134. No German state is permitted to make a distinction between its citizens and other Germans in civil, criminal, and litigation rights which relegates the latter to the position of foreigners.

¶ 135. Capital punishment for civil offenses shall not take place, and, in those cases where condemnation has already been made, shall not be carried out, in order not to infringe upon the hereby acquired civil law.

¶ 136. Freedom of emigration shall not be limited by any state; emigration levies shall not be established.

All matters of emigration remain under the protection and care of the Reich.

ARTICLE 2

¶ 137. There are no class differences before the law. The rank of nobility is abolished.

* From the official edition (Frankfort on Main, 1849).

All special class privileges are abolished.

All Germans are equal before the law.

All titles, insofar as they are not bound with an office, are abolished and never again shall be introduced.

No citizen shall accept a decoration from a foreign state.

Public office shall be open to all men on the basis of ability.

All citizens are subject equally to military service; there shall be no draft substitutions.

ARTICLE 3

(¶ 138. The freedom of man shall be inviolable.

The arrest of a person, with the exception of one caught in the act, shall take place only under a legally executed warrant. This warrant must be served on the arrested person at the moment of the arrest or within the next twenty-four hours. . . .

(¶ 139. Capital punishment, with the exception of cases prescribed by military law or naval law concerning mutiny, is abolished, as are sentences to public whipping, branding, and bodily punishment.

(¶ 140. The house of every German is inviolable. . . .

Any search of premises must take place, when practicable, with the assistance of the inhabitants.

The inviolability of premises shall provide no hindrance to the apprehending of a fugitive from justice.

(¶ 141. The confiscation of letters and papers, except at an arrest or house search, can take place with a legally executed warrant, which must be served on the arrested person at once or within the next twenty-four hours.

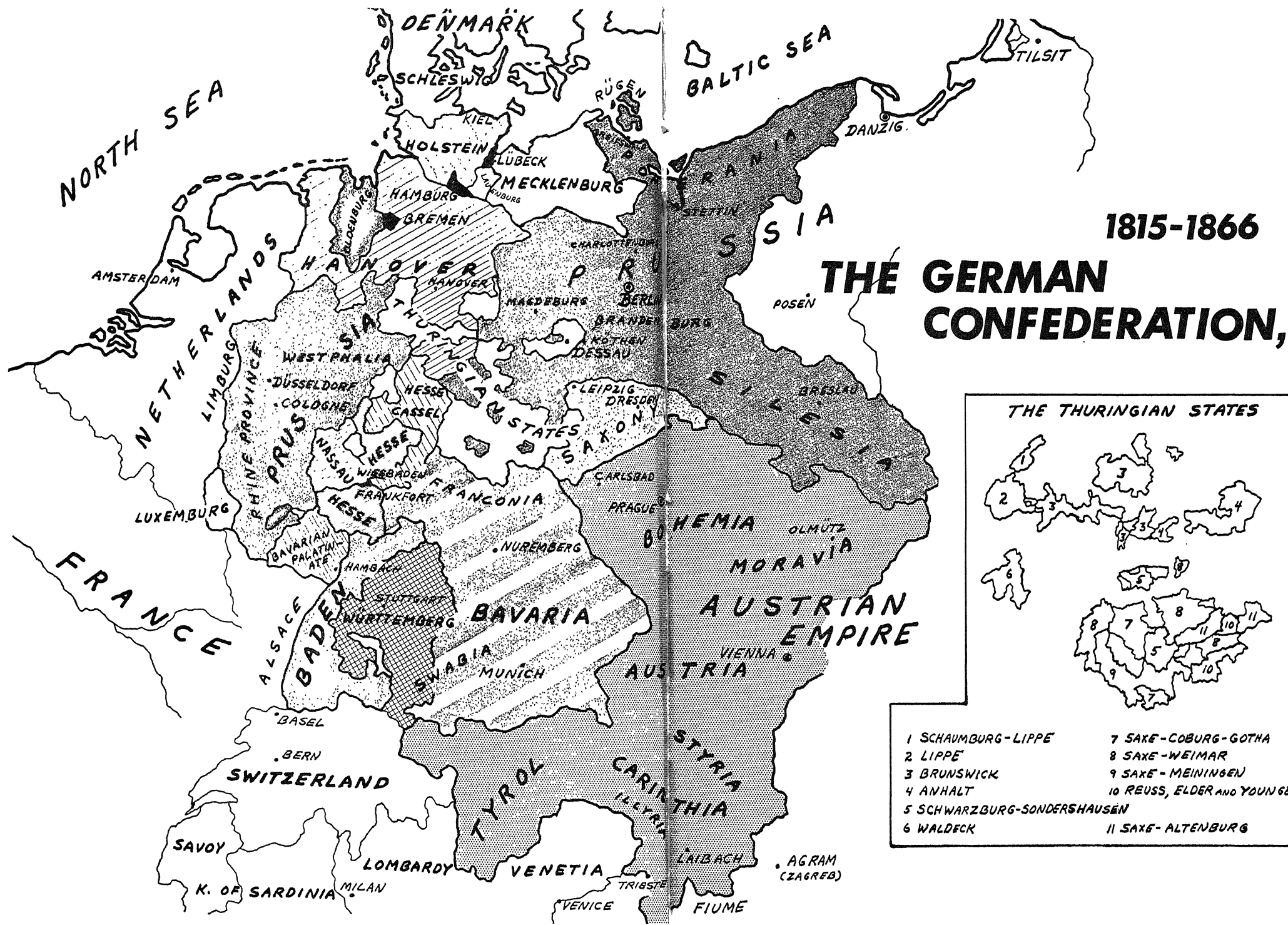
(¶ 142. The secrecy of letters is inviolable.

Necessary exceptions in cases of criminal investigation and in the event of war shall be established by legislation.

ARTICLE 4

(¶ 143. Every German shall have the right freely to express his opinion through speech, writing, publication, and illustration.

The freedom of the press shall be suspended under no circumstances through preventive measures, namely, censorship, concessions, security orders, imposts, limitation of publication or bookselling, postal bans, or other restraints. . . .



THE THURINGIAN STATES



- | | |
|------------------------------|-----------------------------|
| 1 SCHAUMBURG-LIPPE | 7 Saxe-Coburg-Gotha |
| 2 LIPPE | 8 Saxe-Weimar |
| 3 BRUNSWICK | 9 Saxe-Meiningen |
| 4 ANHALT | 10 REUSS, ELDER and YOUNGER |
| 5 SCHWARZBURG-SONDRERSHAUSEN | |
| 6 WALDECK | 11 Saxe-Altenburg |

ARTICLE 5

¶ 144. Every German has complete freedom of religion and conscience.

No one is required to reveal his religious convictions.

¶ 145. Every German possesses the unlimited right for the private or public exercise of his religion.

Any crimes or acts which prevent the exercise of freedom of religion shall be punished by law. . . .

ARTICLE 6

¶ 152. Arts and science, research and teaching, shall be free.

¶ 153. Teaching and education remain under the authority of the state, and, with the exception of religious instruction, are removed from the authority of the clergy. . . .

¶ 157. There shall be no fees for instruction in public schools and lower trade schools. . . .

¶ 158. Every person is free to choose his work or profession, and to prepare himself for it wherever and however he wishes.

ARTICLE 7

¶ 159. Every German possesses the right of written petition to the authorities, to the representatives of the people, and to the Reichstag. . . .

ARTICLE 8

¶ 161. All Germans have the right to assemble peaceably and without arms; special permission for this is not needed.

Association of people outdoors can be forbidden in the event that it endangers public order and security. . . .

ARTICLE 9

¶ 164. Property is inviolable.

Expropriation of property can take place only when necessary for the common welfare, only on a legal basis, and with legal compensation.

Ecclesiastical property shall be protected by Reich's legislation. . . .

(¶ 173. Taxation shall be so regulated that favoritism for individual classes or property-holders shall cease.

ARTICLE 10

(¶ 174. All jurisdiction stems from the state. There shall be no patrimonial courts.

(¶ 175. Judicial power shall be exercised independently by judges. There shall be no cabinet or ministerial justice. . . .

(¶ 176. Judicial judgments shall be public and oral. . . .

(¶ 183. Legal judgments of German jurists shall be equally valid and ratified in all German lands.

ARTICLE 11

(¶ 184. Every community shall have as fundamental rights of its constitution:

- a) election of its chairman and representatives
- b) independent control of its communal activities with the assistance of the local police under legal supervision of the state
- c) publication of its budget
- d) public consideration of its affairs. . . .

ARTICLE 12

(¶ 186. Every German state shall have a constitution with representation of the people.

The ministers are responsible to the people. . . .

ARTICLE 13

(¶ 188. The non-German-speaking people of Germany are guaranteed their national development, namely, equal rights for their languages, insofar as they exist in their territories, in ecclesiastical matters, in education, in administration of local affairs, and in laws.

ARTICLE 14

(¶ 189. Every German citizen stands under the protection of the Reich.

66 Frederick William IV Refuses the Imperial Crown, 1849

By March, 1849, the revolutionary attempts to achieve reform in Prussia and Austria had quieted down. When, on March 28, 1849, the Frankfort Assembly offered "the hereditary imperial dignity" to Frederick William IV of Prussia, the monarch informed a delegation of deputies from Frankfort that he could accept only after the German princes and free cities had adopted the Constitution. Many of the small states took him at his word and promptly accepted the Constitution. Then, Frederick William came to the conclusion that, as a divine-right monarch, he, as a Hohenzollern king, could never accept a crown from a popularly elected assembly.

Following is the text of the King's refusal. In private conversation, the monarch made it plain that it was against his principles to "pick up a crown from the gutter." This decision meant, in effect, that the work of the Assembly was fruitless. The King of Prussia did not want to be the leader of a unified democratic Germany. Zealous patriots now were forced to look to other sources to realize their dream of a united Germany.

Text of the King's Refusal, May 15, 1849 *

To My People!

Using the pretense that they are working in the interests of Germany, the enemies of the Fatherland have raised high the standard of revolt, first in neighboring Saxony, and then in several districts of south Germany. To my utter dismay, even in sections of our own land, some have allowed themselves to be seduced into following this standard and attempting, in open rebellion against the constituted government, to overturn the order established by both divine and

* M. Schilling, *Quellenbuch zur Geschichte der Neuzeit* 2d ed. (Berlin, 1890), p. 431.

human sanction. In this serious and dangerous crisis, I have resolved to speak publicly to my people.

I was not able to submit a favorable reply to the offer of a crown by the German National Assembly, because that body does not have the right, without the consent of the German governments, to bestow the crown they have offered me, and because, in addition, they tendered the crown upon the condition that I would accept a constitution which could not be reconciled with the rights and safety of the German states.

I have tried in every possible way to reach an understanding with the German National Assembly. Now it has broken with Prussia. The majority of its members are no longer those upon whom Germany looked with pride and confidence. Most of the deputies voluntarily left the Assembly when it became obvious that it was on the road to ruin. Yesterday, I myself ordered all the Prussian deputies who had not already left, to be recalled. The other governments will do the same.

A party now dominating the Assembly is in league with the terrorists. While they urge the unity of Germany as a pretense, they are really fighting the battle of godlessness, perjury, and theft, and arousing a war. . . .

Although such crimes have put an end to the hope that the Frankfort Assembly can achieve German unity, I have, with a fidelity and persistence suitable to my royal position, never given up hope. My Government has taken up with the more important German states the work on the German constitution begun by the Frankfort Assembly.

That is my method. Only madness or deception can dare, in view of these facts, to maintain that I have given up the cause of German unity, or that I am untrue to my earliest convictions and promises. . . .

FREDERICK WILLIAM

Charlottenburg, May 15, 1849.

67 The Prussian Constitution of 1850

On December 5, 1848, Frederick William IV, drawing on military power, dispersed the Frankfort National Assembly. A last ditch rump-parliament, meeting at Stuttgart, was broken up by

force. Thus the great movement for the unification of Germany on liberal principles came to an end. When the wave of revolution receded, liberal nationalism in the Germanies was unfortunately buried in the dregs. All the ideas of rationalism converging in 1848—liberalism, democracy, social contract, egalitarianism, tolerance, and *laissez faire*—evaporated. The failure of the movement left the German people with a heritage of Prussian discipline, authority, and militarism.

Frederick William IV, however, aware of the widespread demand for a constitution, finally promulgated one for Prussia. It provided for a bicameral legislature. The upper house, *Herrnhaus*, was composed solely of the hereditary nobility, representatives of the universities, and delegates from the corporations of the great towns. The members of the lower house, *Landtag*, were elected through a three-class franchise, based on tax-paying ability, thereby guaranteeing a majority by the Conservatives. There was no ministerial responsibility to the people. Any royal ordinances issued when the houses were not in session were to have the full force of the law.

I Frederick William IV's Speech on the Prussian Constitution *

Gentlemen:

I request your attention. The words I am about to speak are entirely my own, for I appear before you today as I have never done before, and never shall do again. I am here, not to exercise the innate and hereditary sacred duties of the royal office (which are exalted high above the opinions and wishes of parties); nor, above all, am I sheltered by the responsibilities of my highest counsellors; but I am here as myself alone, as a man of honor, who is about to give what is dearest to him—his word, his *yea*!, energetically and deliberately. Therefore, a few words by way of introduction.

The work which I am this day about to sanction began during a year which the loyal coming generation will want to erase from the pages of our history. In the form in which it was submitted to you it was indeed the work of the devoted, loyal men who have saved this throne; toward them my gratitude will only be extinguished with my

* *British and Foreign State Papers*, 1849–1850 (London, 1863), XXXIX, 1040–1041.

life. But this work was done in days during which, in the literal sense of the word, the existence of the Fatherland was menaced. It was the work of the moment, and bore the broad stamp of its origin.

It is a legitimate question, How can I, with this in mind, give my sanction to this work? Yet I will do it because I can; and it is thanks to you alone, Gentlemen, that I can. You have laid an improving hand upon it. You have removed objectionable points from it, and have inserted good in it; by your admirable labors, and by the adoption of my last proposals, you have given me a pledge that you will not, after the sanction, abandon the perfecting work already begun, so that our united, honest endeavors may succeed in rendering it, in the constitutional manner, ever more conformable to the vital requirements of Prussia. I may sanction this work because I can do it with hope. I acknowledge, with the warmest thanks to you, Gentlemen—and I say it with joyful emotion—that you have deserved the thanks of the Fatherland. And so I declare, God is my witness, that my vow to the Constitution is true, sincere, and without reserve. But the existence and success of the Constitution, as you and all noble hearts in the country feel, depend upon the fulfilment of necessary conditions.

You, Gentlemen, must help me, as well as the diets after you. And the loyalty of my people must help me against those who would use the freedom royally given as a cloak for malice and turn it against its originators, against the authority appointed by God; against those who would wish to regard this document even as a substitute for God's blessed providence, for our history, and for the ancient sacred loyalty. All the good energies of the country must unite in loyal respect for the monarchy and for this throne, which rests upon the victories of our armies; on the observance of the laws; on a faithful fulfilment of the oath of allegiance, as well as of the new oath of loyalty and obedience to the king; and on the conscientious observance of the constitution. In a word, the condition of the Constitution's continued existence is that the government may be rendered possible to me with this fundamental law; for in Prussia the King must govern; and I govern, not because it is my pleasure, God knows it, but because it is God's ordinance; on this account, therefore, I am determined to govern. A free people under a free king; that has been my watchword for ten years, so it is still today, and will so remain as long as I breathe.

Before I proceed to the ceremony of the day I will renew before you two former pledges in view of the ten years of my government which have elapsed.

First, I renew, repeat, and confirm, solemnly and expressly, the vows which I took before God and man at Königsberg and here. Yes, yes, that I will, so help me God.

Second, I renew, repeat, and confirm, solemnly and expressly, the sacred vow which I pronounced on the 11th of April, 1847, "With my House to serve the Lord." Yes, yes! that I will, so help me God! That vow stands above all others; it must be contained in every one, and must run through all other vows like the pure water of life, if they are to be of any value.

Now, however, whereas in virtue of my royal sovereignty I hereby sanction the Constitution; I vow solemnly, truly, and expressly, before God and man, to maintain the Constitution of my country and realm firmly and inviolably, and to govern in conformity with it and the laws. Yes, yes, that I will, so help me God!

And now I commit the law thus sanctioned into the hands of God Almighty, whose agency in the history of Prussia can plainly be recognized, in order that, out of this work of man, He may make an instrument for the salvation of our dear Fatherland, namely, for giving effect to His holy will, rights, and ordinances. Therefore, so be it.

II Extracts from the Prussian Constitution *

ARTICLE 4. All Prussians are equal before the law. There shall be no privileges of rank. Public office shall be open to all qualified citizens on the basis of legally constituted conditions.

ARTICLE 11. Freedom of emigration from the state can be curbed only on the basis of avoidance of military service.

ARTICLE 12. Freedom of religion, the organization of religious societies, and the exercise of religion at home or in public are guaranteed.

ARTICLE 20. Knowledge and the teaching of science are free.

ARTICLE 21. Sufficient public schools shall be established for the education of children. Parents and their representatives are required to see that their children obtain the education prescribed by the public schools.

ARTICLE 23. All public and private schools shall be under the jurisdiction of authorities named by the state.

ARTICLE 27. Every Prussian has the right to express his views in

* *Gesetzsammlung für die königlich-preussischen Staaten* (Berlin, 1850), pp. 17-35, *passim*. There were 119 articles in the Constitution.

writing, publication, or illustration. There shall be no censorship, and any limitations on the freedom of the press must be legal.

ARTICLE 29. All Prussians have the right, without securing previous official permission, to assemble peaceably in closed rooms.

ARTICLE 30. Every Prussian has the right to join organizations of his choice, provided that, in doing so, he does not violate the law.

ARTICLE 34. Every Prussian is subject to military service.

ARTICLE 43. The person of the King is inviolable.

ARTICLE 45. Complete authority rests only in the person of the King.

ARTICLE 48. The King has the right to declare war and to conclude peace, as well as to make treaties with foreign governments.

ARTICLE 51. The King summons the houses and closes their sessions. He can dismiss them, either both together, or one at a time. However, in such a case, he must call an election within sixty days after the dissolution and summon the new houses within ninety days after the dissolution.

ARTICLE 62. Legislative power shall be exercised in common by the King and the two houses.

ARTICLE 70. Every Prussian who has reached the age of twenty-five years is eligible to vote.

ARTICLE 74. Eligible for election as a representative in the lower house shall be every Prussian who has completed his thirtieth year, possesses full rights of citizenship, and has belonged for three years to the Prussian community.

ARTICLE 83. Members of both houses are representatives of the entire people. They shall vote according to their personal convictions and are not bound by mandates and instructions.

ARTICLE 101. There shall be no privileges in the matter of taxation.

Given at Charlottenburg, January 31, 1850.

FREDERICK WILLIAM

68 The Social Force of Anti-Semitism, 1850

Anti-Semitism, or to be more accurate, anti-Judaism, was a powerful movement even in medieval times, when the Jews were

victims of class hatred and religious passion. With the emergence of the secular state and the rise of industrialism and capitalism, the position of the Jews was eased in most countries, although medieval traditions of anti-Judaism persisted among both upper and lower levels of the agricultural-handicraft society.

In Germany, however, anti-Semitism developed to a point where it became a social force of importance and also a political movement. Even in its early stages, German nationalism was anti-Semitic. Throughout the nineteenth century, anti-Jewish hatreds flared up again and again in Germany. Goethe, Herder, Kant, and Fichte were quoted as enemies of the Jews. Intellectuals, such as the famed historian Heinrich von Treitschke ("The Jew is our misfortune!"), provided fuel for the fanatical utterances of such professional anti-Semites as Wilhelm Marr, Otto Glogau, Adolf Wagner, Eugen Dühring, and Adolf Stöcker.

On September 3 and 6, 1850, the composer Richard Wagner published a long essay, *Judaism in Music*, in the *Neue Zeitschrift für Musik*. An almost hysterical denunciation of the Jews, this article had an important effect in solidifying the anti-Semitic sentiment in Germany—which was to rise to catastrophic proportions during the Hitler regime. Until his death in 1883, Wagner remained a bitter anti-Semite. As a hero who epitomized Germany's greatness, he swept along with himself the millions of Germans who had already been predisposed to hatred of the Jews.

Extracts from Richard Wagner's *Judaism in Music* *

. . . It is necessary for us to explain the *involuntary repugnance* we possess for the nature and personality of the Jews. . . . According to the present constitution of the world, the Jew in truth is already more than emancipated: He rules, and will rule, as long as Money remains the power before which all our doings and our dealings lose their force. . . . The public art taste has been brought between the busy fingers of the Jews, who preside over an art bazaar. . . . The

* Adapted from Richard Wagner, *Das Judentum in der Musik*, in Wagner *Gesammelte Schriften*, edited by Julius Kapp (Leipzig, n.d.), translated by William Ashton Ellis (London, 1892-1899), III, 80-100, *passim*.

Jew's outward appearance always has something disagreeably foreign about it. . . .

The Jew speaks the language of the nation in whose midst he dwells from generation to generation, but he always speaks it as an alien. Our whole European art and civilization have remained to the Jew a foreign tongue. In this speech, this art, the Jew can only after-speak and after-patch—cannot truly make a poem of his words, an artwork of his doings. In the peculiarities of Semitic pronunciation the first thing that strikes our ear as quite outlandish and unpleasant, in the Jew's production of the voice sounds, is a creaking, squeaking, buzzing snuffle [*ein zischender, schrillender, summsender und murksender Lautausdruck*]. This mode of speaking acquires at once the character of an intolerably jumbled blabber [*eines unerträglich verwirrten Geplappers*]. The cold indifference of his peculiar blubber [*Gelabber*] never by chance rises to the ardor of a higher, heartfelt passion.

The aforesaid qualities of his dialect make the Jew altogether * incapable of giving artistic enunciation to his feelings through *talk*; hence it is even more difficult for him to enunciate through *song*, for Song is just Talk aroused to highest passion, and music is the speech of passion. . . . The Jew who is innately incapable of enouncing himself to us artistically through either his outward appearance or his speech, and least of all through his singing, has, nevertheless, been able in the widest-spread of modern art varieties, to wit, in Music, to reach the rulership of public taste. . . . Control of money through usury has led the Jews to power, for modern culture is accessible to none but the well-to-do. . . .

Felix Mendelssohn-Bartholdy has shown us that a Jew may have the amplest store of specific talents, the highest and tenderest sense of honor—yet without all these pre-eminences helping him, were it but a single time, to call forth in us that deep, that heart-searching effect which we await from Music. . . . A far-famed Jewish tone-setter of our day [Meyerbeer] has addressed himself and products to a certain section of our public whose total confusion of musical taste was less to be first caused by him, than worked out to his profit. . . . The uninspiring, the truly laughable, is the characteristic work whereby this famous composer shows his Jewhood in music. . . .

The Jews have never produced a true poet. [Heinrich Heine] reached the point where he duped himself into a poet, and was rewarded by his versified lies being set to music by our own composers. He was the conscience of Judaism, just as Judaism is the evil conscience of our modern civilization.

* Wagner later changed this word to "almost" (*ibid.*, III, 86).

69 Prussia's Humiliation at Olmütz, 1850

The Revolution of 1848 in the Germanies had two sides; it was liberal, but it was also national. With the attempt to create a democratic Germany frustrated at Frankfort, the problem anew arose as to the relations between Prussia and Austria. A "Great German" (*grossdeutsch*) solution would include the Germans of Austria; the "Little German" (*kleindeutsch*) party supported the exclusion of Austria and a union under Prussian leadership. The matter became complicated when a dispute between the German liberals of Schleswig and Holstein and their ruler, the king of Denmark, became a national issue. In 1848, Danish troops occupied Schleswig, whereupon the National Assembly, as legal successor to the Confederation, gave Prussia the duty of intervention. With Russian and British support, Denmark obtained a favorable armistice from Prussia.

Prince Felix von Schwarzenberg, who directed Austrian policy, was determined, after the events of 1848-1849, to prevent any "Little German" federation under Prussian leadership. Herr Joseph Maria von Radowitz, one of the ministers of Frederick William IV, on March 20, 1850, called the first parliament of the "Union" of Prussia, Saxony, and Hanover, at Erfurt. Schwarzenberg, who, in the meantime, had quelled a Hungarian revolution, felt strong enough to summon the federal Diet back to Frankfort on May 10, 1850. In early October, he concluded a military alliance with Bavaria and Württemberg, and, a few days later, prevailed upon the federal Diet to take action by means of Bavarian troops against the recalcitrant Hessians.

Radowitz was all for taking up the Austrian challenge. But, worn out by opposition to his course, he resigned his office. The new premier, Otto Theodor von Manteuffel, decided to come to terms with Austria at once, especially when Schwarzenberg issued a blistering ultimatum. Schwarzenberg and Manteuffel met at Olmütz on November 29, 1850, and agreed to a convention call-

ing for the full restoration of the German Confederation and the immediate reduction of the Prussian army.

The convention of Olmütz was one of the most complete humiliations to which any European state has ever been subjected. Prussia surrendered every object of dispute between the two great powers. She had undertaken a policy that was popular at home; Austria had required that that policy be surrendered; the two states had armed; an ultimatum had been delivered; then Prussia surrendered.

The humiliation rankled among German nationalists. But one of the few to defend the action of the ministry was Bismarck, new to the political scene, who recognized that Prussia was not yet strong enough to meet the coalition of Austria and Russia, and who preferred to wait until the day when there might be a better possibility of success in driving Austria out of German affairs.

Text of the Convention of Olmütz, November 29, 1850 *

1. The governments of Austria and Prussia declare that it is their intention, by means of a decision of all the German governments, to procure the final and definitive regulation of the Hessian and Holstein questions.

2. For the purpose of obtaining the cooperation of the governments which are represented at Frankfort, the members of the Confederation now represented at Frankfort, as well as Prussia and her allies, will each appoint a commissioner, who will agree as to the measures which these governments will take.

3. But since it is a matter of common interest that in Holstein, as well as in Hesse, a legal state, and one congenial to the federal duties, may be quickly introduced, and since, moreover, Austria, for herself and her allies, has to the full given her guarantees required by Prussia, which protect her interests in the occupation of Electoral Hesse, these two governments of Austria and Prussia have agreed on the following points, which concern the measures to be taken, and which cannot by any means prejudice the future decision of the questions at issue:

a) In Electoral Hesse, Prussia will place nothing in the way of the

* *Annual Register*, edited by M. Epstein (London, 1761 *et seq.*), 1851, pp 324-325.

troops which the Elector has called in. For this purpose she will instruct her generals to consent to the federal troops crossing the Etappe roads, which are now occupied by Prussia. The two governments of Austria and Prussia and their allies will ask His Royal Highness's the Elector's consent to the presence in Cassel of one battalion of the troops, who have marched in at the desire of His Royal Highness, and of one battalion of Prussia's troops, for the better preservation of order and tranquillity.

b) Austria and Prussia, after previously conferring with their allies, at their earliest convenience, will send commissioners to Holstein, who, in the name of the Confederation, shall desire the Stadtholders to suspend hostilities, to withdraw the troops behind the Eyder, and to reduce their army to one third of its present strength. In case of a refusal, they shall announce the common intervention of Prussia and Austria. On the other hand, the two governments will induce the Danish government to garrison the Duchy of Schleswig with a number of troops not larger than is required for the preservation of order and tranquillity.

4. The ministerial Conferences will immediately commence at Dresden. The invitation for that purpose will be issued by Prussia and Austria, and at such a time that the conferences can be opened about the middle of December.

Olmütz, November 29, 1850.

SCHWARZENBERG
MANTEUFFEL



70 Social Conditions of the German Peasant

In 1858 an American woman, Anna C. Johnson, made an extensive trip through the Germanies which she recorded in a book published the next year. An observant traveler, Miss Johnson was especially interested in the social conditions of the German peasant. The following excerpt from her book shows the attitude of the city-dwellers toward the peasants, the incongruities of social life, the caste system, and the strong conservatism of the farm people.

Observations of an American Tourist, 1858 *

When serfdom was abolished, and the peasant became a free man, why did so great a political change effect so little in his social condition? In other lands the peasantry gradually adopt the dress, and manners, and habits of living of those above them, and the country imitates the town. But here there is no such amalgamation. However high the standard of intelligence, refinement, and culture in any city, the people, one mile beyond its walls, are in no material respect different from their ancestors hundreds of years ago. . . .

We have listened in amazement to hear the contempt with which people speak of the *Landleute*—the country or peasant people—as if they were reptiles or worms, to be trodden upon; and it is true that every manner of unkindness and ungenerous advantage is exercised towards them to make them feel their degradation, and keep up the enmity between them. Even in the free cities they are not allowed to pass the gates without tribute. The market-woman cannot bring her basket of eggs and vegetables, without having it first searched, and that it is often done in the most insulting manner we have been eyewitness. . . .

Incongruities strike us everywhere: the high appreciation of beauty in the fine arts, and an utter insensibility to beauty and comfort in the daily life and family arrangements. There will often be in the house a fine picture or elegant articles of china, and the most exquisite little statuettes, while the table furniture is of the most common kind; knives and forks, such as one never before saw used, except in cooking, and table etiquette like that we find among back-woodsmen. A great black loaf will be handed around for each one to cut a slice with his own knife, no salt-spoon or butter-knife, and no order in arranging the table. . . .

For the peasantry or serfs to read was considered something as inappropriate to their rank, as to live in baronial halls, and no efforts were made to teach them—they were not allowed to learn, till within the last half century. Yet it is not quite true that no improvement is to be observed in their condition during a thousand years. From their ranks rose merchants and mechanics, and when these were formed into corporations and guilds, they became so powerful that they could enforce a species of justice, and by them the power of feudalism was often curbed if not broken. . . .

Everything is done by the police to prevent the servants and lower

* From Anna C. Johnson, *Peasant Life in Germany* (New York, 1859), pp. 76-77, 168-169, 184, 269, 360.

order of mechanics and tradesmen from changing their calling, or in any way elevating their position, and all the way up it is the same. All who fill offices or hold government places must be educated with reference to them, and kept as a class apart from the people. A father who has sons asks them when they leave school what trade or profession they will follow, and when they have chosen, it is for life, however unfit they may find themselves for the duties they are called upon to perform.

That there is so little advance in what pertains to comfort in their homes, may be partly ascribed to the habits which the men form in barracks, where they are all obliged to spend three years. They learn to practice neatness and order in some respects, but they must live in a very coarse way, as regards personal comfort and gratification. . . .

The tone with which every German speaks the one word "Fatherland" has in it a depth and meaning which no other lips can convey, which, perhaps, no other heart can exactly feel. It has more than once brought tears to our eyes. How long they have been a people—how long they have lived upon the same soil—how much they have suffered for themselves and others, all tending to root their hearts to every hill and valley, rock and fern. Our Fatherland! we do not wonder that it is so dear.

PART IV

The Era of Bismarck

71 Bismarck's "Iron and Blood" Speech, 1862

Otto von Bismarck was appointed Minister-President of Prussia because King William I believed that he was just the man to obtain funds for the army. On September 30, 1862, shortly after his appointment, Bismarck appeared before some thirty members of the budget commission of the lower house of the Prussian parliament, the Landtag, and urged them to vote for the army increases. Speaking with wit and incisiveness, the new minister warned his audience not to exaggerate its powers. He declared that the Prussian Constitution did not give the lower house the sole power of arranging the budget: The upper house and the crown had just as much to say in the matter. Bismarck ended his speech with the famous "iron and blood" challenge reprinted below.

Bismarck's words soon spread like wildfire throughout the Germanies, with the rhythm of the phrase changed to "blood and iron." Despite widespread criticism, he never repudiated his words, lamely explaining later on that all he meant by the word "blood" was "soldiers."

When the Landtag declined to vote for the requested credits, Bismarck, defying the Constitution of 1850, and on the ground that "necessity alone is authoritative," proceeded to levy, collect, and spend money without presenting either a budget or an accounting.

Excerpt from the "Iron and Blood" Speech *

. . . It is true that we can hardly escape complications in Germany, although we do not seek them. Germany does not look to Prussia's liberalism, but to her power. The south German States—Bavaria, Württemberg, and Baden—would like to indulge in liberalism, and because of that no one will assign Prussia's role to them! Prussia must collect her forces and hold them in reserve for an opportune moment, which has already come and gone several times. Since the Treaty of Vienna, our frontiers have not been favorably designed for a healthy body politic. Not by speeches and majorities will the great questions of the day be decided—that was the mistake of 1848 and 1849—but by iron and blood.

72 The Problem of Schleswig-Holstein, 1864–1865

Bismarck's first step in the forging of a German national state was to solve the thorny problem of Schleswig-Holstein. The Danes considered the two duchies as part of their collective state, while the inhabitants of the duchies, as well as both Great German and Little German parties, demanded union with the coming German national state. Amiable negotiations with the federal Diet were fruitless. On March 30, 1863, King Frederick VII of Denmark issued a letter-patent separating the administrations of Schleswig and Holstein. On November 13, 1863, the Danish Diet passed a new constitution which, in effect, reduced Schleswig to the position of a Danish province. Two days later, the King died and was succeeded by Prince Christian of Schleswig-Holstein-Glücksburg, who took the oath to the new constitution. The German states immediately took up the cause of Prince Frederick of Augustenburg, who proclaimed himself the lawful Duke of Schleswig-Holstein.

In the summer of 1864, Prussia and Austria went to war against

* *Die politischen Reden des Fürsten Bismarck: historisch-kritische Gesamtausgabe*, edited by Horst Kohl (Stuttgart, 1892–1904), II, 29–30.

the little country and defeated her in a matter of weeks. By the Vienna Peace Pact, signed October 30, 1864, Denmark ceded unconditionally the three Duchies of Schleswig, Holstein, and Lauenburg to Austria and Prussia under a condominium (or joint) arrangement. Pertinent extracts from the Vienna Peace Pact are reprinted below.

This provisional state of affairs was an unsatisfactory one, since Bismarck was obviously intent upon a complete annexation of the duchies. The quarrel between Austria and Prussia was so violent that war seemed imminent. Beset with internal difficulties, Austria decided to give in for the time being. By the Convention of Gastein, signed August 14, 1865, Schleswig was annexed by Prussia, Holstein by Austria, and Lauenburg was sold to Prussia. In addition, Prussia was given the right to establish a naval base at Kiel and to construct a canal and two military roads through Holstein. For his work on this convention, which was favorable to Prussia, Bismarck was made a Count by his grateful monarch.

I Extracts from the Vienna Peace Pact, October 30, 1864 *

ARTICLE 3. His Majesty, the King of Denmark, renounces all his rights to the Duchies of Schleswig, Holstein, and Lauenburg in favor of Their Majesties, the Emperor of Austria and the King of Prussia, and obligates himself to recognize the new arrangements which Their Majesties shall make for these Duchies.

ARTICLE 4. The cession of the Duchy of Schleswig includes all the islands belonging to that Duchy, as well as all the territory on the mainland belonging to it.

In order to simplify the fixing of the new boundaries and to put an end to difficulties, which may arise because of the existence of the Jutland enclave in the territory of Schleswig, His Majesty, the King of Denmark, and Their Majesties, the Emperor of Austria and the King of Prussia, relinquish those Jutland territories which are situated to the south of the southern line of the District of Ribe, i e, the Jutland district of Møgeltondern, Amrum Island, the Jutland part of Föhr Island, Sylt, and Römö, etc. On the other hand, Their Majesties, the Emperor of Austria and the King of Prussia, agree that an

* M. Schilling, *Quellenbuch zur Geschichte der Neuzeit* (Berlin, 1884), p. 444.

ARTICLE 4. During the existence of the division mentioned in Article 1, the royal Prussian government shall have the right to construct two military roads through Holstein, one from Lübeck to Kiel, and the other from Hamburg to Rendsburg. . . .

ARTICLE 7. Prussia is hereby empowered to construct a canal from the North to the Baltic Seas. She shall have the right to decide upon the direction and dimensions of this canal. . . .

ARTICLE 9. His Majesty, the Emperor of Austria, transfers to His Majesty, the King of Prussia, the rights to the Duchy of Lauenburg, which he had obtained by the above-mentioned Vienna Peace Pact, for which the royal Prussian government pledges itself to pay to the imperial Austrian government the sum of two million and five hundred thousand Danish talers, payable in cash in Berlin in Prussian silver coins four weeks after the confirmation of this agreement between Their Majesties, the King of Prussia and the Emperor of Austria.

ARTICLE 10. The implementation of the above-mentioned agreement on the division of the condominium shall begin as soon as possible after the acceptance of this convention by Their Majesties, the King of Prussia and the Emperor of Austria, and shall be concluded at the latest on September 15th.

The hitherto standing High Command shall be withdrawn on September 15th at the latest, Holstein to be evacuated completely by Prussian troops, and Schleswig by Austrian troops.

Executed at Gastein on August 14th, one thousand eight hundred and sixty-five.

G. BLOME
v. BISMARCK

73 The Austro-Prussian War, 1866

Bismarck, who had never forgotten the humiliation of Olmütz, was determined to remove Austria as an obstacle to German unification. A masterful diplomat, he proceeded carefully to isolate his opponent from foreign help. He promised Venetia to the newly formed kingdom of Italy in return for assistance in

a possible war against Austria. At Biarritz he assured Napoleon III's inactivity by vague promises to allow France to annex Belgium. In 1863 he signed a convention with Russia promising the Tsar Prussia's assistance in suppressing the Poles.

Then, moving with characteristic shrewdness, Bismarck used the complications involved in the disposal of Schleswig-Holstein to bring the issue to a head. In June, 1866, he accused the Austrian governor of Holstein of breaking the agreement of joint administration. Austria promptly brought the dispute before the Bund at Frankfort, intending to humiliate Prussia once more. Prussia denounced this move as a violation of the agreement to decide the status of the duchies by mutual consent. When Austria sought to have the Bund order mobilization against Prussia of the armies of the Confederation, the die was cast. Prussia declared the German Confederation together with its headquarters at Frankfort to be dissolved. On June 18, 1866, King William I of Prussia issued a proclamation to the German people, which is reprinted below.

The resulting conflict, the Seven Weeks' War, was one of the shortest on record. The superbly organized Prussian army demonstrated its superiority within a few weeks. The Battle of Sadowa (Königgrätz) and the subsequent Treaty of Prague marked the end of Austrian domination in German affairs.

I William I's Summons to the Prussian People:

"An mein Volk," June 18, 1866 *

I am moved to address my people at the moment when the army of Prussia is advancing to a decisive battle. I speak to the sons and grandsons of those courageous forefathers to whom half a century ago my father (now resting in God) uttered the never-to-be-forgotten words: "The country is in danger!" Austria and a great part of Germany are now armed against us.

It has been but a few years since, when there was a problem of liberating a German land from foreign domination. I voluntarily, and without thinking of any previous differences of opinion, extended the hand of friendship to the Emperor of Austria. I had hoped that, out of the blood shed in common on the field of battle, a brotherhood in

* M. Schilling, *Quellenbuch zur Geschichte der Neuzeit* (Berlin, 1884), pp 456-457.

arms would have emerged that might in turn lead to a stronger union based on mutual respect and gratefulness. I believed that this would bring with it that cooperation which should have as its first result the domestic welfare of Germany and the enhancement of her prestige among the nations.

However, this hope has been frustrated. Austria cannot forget that its princes once governed Germany. In the younger but powerfully developing Prussia, she refuses to see a natural ally, but only a hostile rival. Austria reasons that Prussia must be opposed on every occasion, on the ground that what is good for Prussia is bad for Austria. The old, unhappy jealousy has blazed up once more. Prussia is to be weakened, annihilated, dishonored. No treaties are to be observed with Prussia; the confederated princes have not only been aroused against Prussia but they have also been induced to dissolve the union. Whenever we look through Prussia, there we are surrounded by enemies, who cry "Down with Prussia!"

But the spirit of 1813 still lives in my people. No one can rob us of one foot of Prussian soil, if we are strongly determined to protect the land acquired by our fathers; if the King and his people are united more firmly than before by the danger to the Fatherland; and if they hold it to be their highest and most sacred duty to risk their blood and possessions for its honor. In anxious expectation of what has now occurred, I have for many years regarded it as the prime duty of my royal office to prepare Prussia's military resources for a powerful show of strength. No Prussian can fail to look, even as I now do, with confidence and satisfaction upon the military forces which protect our boundaries. With their King at their head, the Prussian people, in truth, feel themselves to be a nation in arms. Our enemies are fooling themselves if they dream that Prussia is paralyzed by domestic discord. Against any enemy this nation is a single powerful unit. All differences dissolve in the face of the enemy, and we stand united, for good or for ill.

I have done all that I could possibly do to spare Prussia the burden and sacrifices of a war. My people are aware of this. God, who searches all hearts, knows it. To the very last moment, I have, in combination with France, England, and Russia, attempted to keep open the path to a peaceful settlement. Austria, however, was opposed to this, and other German states have openly taken their place at her side. . . .

Let us pray to Almighty God, the director of the history of all nations, the disposer of battles, to bless our arms. Should He give us victory, then we shall be strong enough to renew, in a firmer and more beneficent manner, the bonds which have loosely bound the

German lands together, in name rather than in fact, and which have now been torn apart by those who fear the right and might of the national spirit.

May God be with us!

Berlin, June 18, 1866.

WILLIAM

II Extracts from the Treaty of Prague, August 23, 1866 *

In the name of the All Highest and Indivisible Trinity!

His Majesty, the King of Prussia, and His Majesty, the Emperor of Austria, animated by the desire to bring back to their countries the benefits of peace, have agreed to transform the preliminary negotiations signed at Nikolsburg on July 26, 1866, into a definite treaty of peace. . . .

ARTICLE 2. As a means of implementing Article 6 of the peace preliminaries, . . . His Majesty, the Emperor of Austria, agrees to the union of the Kingdom of Lombardy-Venetia and the Kingdom of Italy, without any other burdensome conditions. . . .

ARTICLE 4. His Majesty, the Emperor of Austria, recognizes the dissolution of the former German Bund and gives his assent to a new form of Germany without participation of the Austrian Empire. . . .

ARTICLE 5. His Majesty, the Emperor of Austria, assigns to His Majesty, the King of Prussia, all the rights acquired by the Vienna Peace of October 30, 1864, in the Duchies of Holstein and Schleswig, with the added understanding that the population of the northern district of Schleswig, if they have expressed the wish through a free plebiscite to enter a union with Denmark, shall be transferred to Denmark. . . .

ARTICLE 11. His Majesty, the Emperor of Austria, pledges himself, in order to help cover a part of the war costs of Prussia, to pay to His Majesty, the King of Prussia, the sum of forty million Prussian talers. From this sum there will be subtracted fifteen million Prussian talers, which Austria, according to Article 12 of the Vienna Peace of October 30, 1864, is still to receive from the Duchies of Schleswig and Holstein, and an additional five million Prussian talers, as equivalent for the costs of the Prussian army in Austria during the occupation until the conclusion of peace, so that only twenty million Prussian talers remain to be paid in cash.

Half of this sum is to be paid concurrently with the exchange of

* *Das Staatsarchiv* (Hamburg, 1866), XI, 176 ff.

ratifications of the present treaty, and the second half to be paid in cash three weeks later. . . .

ARTICLE 14. The ratification of the present treaty shall be exchanged at Prague within the space of eight days, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed the present treaty, and have affixed to it the seals of their arms.

Done at Prague, on the 23d day of the month of August, in the year of Grace, 1866.

(L.S.) BRENNER (L.S.) WERTHER

74 The Prussian Indemnity Bill, 1866

After he was named chief minister of Prussia in 1862, Bismarck carried on the financial business of the state without a constitutional budget. On several occasions he dissolved the Landtag, the lower house of the Prussian parliament. Now, after the great victory over Austria, he believed it was time to request the Landtag retroactively to legalize his unconstitutional actions. Obviously, he intended to use the enthusiasm of the moment to gain ground in the constitutional struggle.

On September 1, 1866, Bismarck appeared before the Landtag and, in a witty and expansive mood, asked for a bill of indemnity legalizing his unconstitutional rule from 1862 to 1866. He refused to confess that he had acted wrongly, he did not express any regret, but he acknowledged that in spending money without a vote of the house there had been an offense against the Constitution. He asked for a bill of approval for his past actions.

The indemnification was voted by a large majority. The Landtag apparently renounced its right to impeach the government for the illegality of its actions. The immediate result was that the Liberal party, which hitherto had opposed Bismarck, broke into two factions: The extreme Radicals and Progressives continued their opposition, while the majority, the new National Liberals, pledged themselves to support Bismarck's national policy. Bismarck now had a parliamentary majority consisting of more than his old supporters, the Conservatives.

The Prussian Indemnity Law of September 14, 1866 *

ARTICLE 1. The present law shall serve as an annex to the subjoining summary of the state's income and expenditures for the years 1862, 1863, 1864, and 1865, instead of the constitutional and annual accounting for each fiscal year, as a basis for the accounting by the state administration.

ARTICLE 2. The state administration grants indemnity with regard to the lawfully established and in due course publicized state budget, with the exception of the resolution of the Landtag on the release of the state administration from proposal of a yearly accounting, to such a degree, that, considering the responsibility of the state administration, it shall be held as if the stewardship had been managed in the above-mentioned time on the basis of a lawfully established and in due course publicized state budget.

ARTICLE 3. The state administration is hereby empowered to expend a sum up to 154 million talers for the year 1866.

ARTICLE 4. The state administration is bound to place before the Landtag an accounting of the state income and expenditures for the year 1866-67.

75 The North German Confederation, 1867

The outcome of the Austro-Prussian War of 1866 put an end to the century-old domination of the Germans by the Hapsburgs. The Frankfort Bund was abolished, and a new union, the North German Confederation, consisting of the twenty-two states north of the Main river, was formed. The four southern states, Bavaria, Württemberg, Baden, and Hesse-Darmstadt, remained outside the new Confederation, for Bismarck believed that he could bind them into secret alliances.

The Constitution of the North German Confederation, which was written for the most part by Bismarck, was presented in 1867 to a constituent assembly elected by universal manhood suffrage. The historian Heinrich von Sybel, one of the outstanding sup-

* *Das Staatsarchiv* (Hamburg, 1866), XI, 287 ff.

porters of Prussian hegemony, delivered a speech before the assembly, from which extracts are given below. Professor Sybel phrased his speech to make it appear that the Constitution represented a union of three forces—Prussia, the other German states, and public opinion. In reality, however, the Constitution provided for a federated state under Prussian domination. The princes accepted the Constitution, which later became the basis for the Constitution of the German Empire in 1871.

Extracts from a Speech by Heinrich von Sybel
Before the Constituent Assembly, 1867 *

Gentlemen!

It is now necessary to consider what obviously is the most important and characteristic part of our task. Now that we have considered in general the powers which the proposed government is to have, we must make a decision regarding the organization of the union—perhaps the most difficult question that any statesman has had to face during the entire century, namely, the organization of a practicable and permanent central authority for Germany, powerful enough to fulfill the varied functions which a modern state has, and yet so limited in power that the German princes and the individual states will not feel that they have been altogether subordinated and mediatized. . . .

The plan of a federation now before us, whatever its nature, is in no way a constitutional monarchy, nor is it a federation according to the traditional theories which have been developed in our universities. . . .

Those who have drawn up the plan have, without doubt, pursued a path exactly opposed to that which has hitherto been followed in Germany. They have not taken a treatise on political theory, however good it might be, and copied its features concerning a constitutional state; they have not, after arranging their plan, divided and distorted the real forces of our country in order to fit them into it. Quite to the contrary, they have sought out the really existing forces in the long chaos of German conditions; they have sought to give them a legal basis, as well as a form adjusted to the power and importance of each; they have supplied each with its proper organ, and given definitions of its scope and activity.

* E. Bezold, *Materialien der deutschen Reichsverfassung* (Berlin, 1873), I, 580-595, *passim*.

The forces to be considered, as everyone here knows well, were the powerful, triumphant Prussia, whose traditions of a glorious past, whose current power, and, above all, whose future power combined to make her far too strong to be fitted into that academic federation of the professors of Göttingen. [Laughter] It is quite necessary that she wield dictatorial power, considering the situation of Europe at the present time. On the other hand, there are the other German states, which, in the struggle against Prussia, by no means won any laurels. Even those who were her allies were cast into the shade by the tremendous increase of Prussia's power. Yet, despite their relation with Prussia, the various German states have shown a marked vitality and, on occasion, enjoy a strong support from the outside. In addition, and this has weighed most heavily, despite the efforts of the cultivated class toward unification, the individual states retain the real sympathy of their own people.

Third and last, there was a liberal public opinion—in Prussia, in Germany, in Europe. In Prussia, it appeared that public opinion had been defeated in the unsuccessful opposition to the ministry of Bismarck and had been forced to give up many of its ideas. Yet, despite all this, in the entire range of European relations, this same public opinion has grown stronger and stronger, until not even the most powerful of military monarchies can for all time resist the spirit of public opinion.

It was necessary, then, to consider these three forces: (1) the military demands of the great Prussian state; (2) the demands of the various individual German states, which were supported by local sentiment; and (3) the strength of public opinion. The draft of the Constitution, which lies before us, provides for an organ for each of these forces: to Prussia, to the Crown of Prussia—is assigned the presidency of the federation; to the smaller states, the Bundesrat [*representing the princes*]; to public opinion, the Reichstag [*representing the public*].

76 The Ems Dispatch, July 13–14, 1870

To achieve his main object of German unification, Bismarck knew well that he had to goad France into action at the right

moment and, at the same time, make it appear that Napoleon III was the chief disturber of the peace of Europe. The idea was to lure the French ruler into a trap from which he would declare war on Prussia. This was done by means of a fortunate (for Bismarck) and a fortuitous set of circumstances.

When King William of Prussia was taking the cure at Bad Ems in the middle of July, 1870, he was approached by Count Vincent Benedetti, the French Ambassador, who requested him to abandon, once and for all time, any claims of his dynasty on Spain. Privy Councilor Heinrich Abeken telegraphed an account of the meeting to Bismarck, who was in Berlin. The latter craftily edited the dispatch and released it to the press the next day, July 14, 1870, timed on the French national holiday. The effect was exactly what Bismarck had intended, for in its abbreviated form the telegram gave the impression of an ultimatum, "like a flourish of trumpets in answer to a challenge." France declared war at once.

Admirers of Bismarck insist that he was entitled to use any shrewd move in the international battle of wits. Others claim that Bismarck's version of the telegram was an unscrupulous trick, deliberately designed to instigate war. The first selection below gives Bismarck's own version of the incident from his memoirs. The second is the original Abeken text and Bismarck's edited version.

I Bismarck on the Ems Dispatch *

I invited Generals Moltke and Roon to have dinner with me on July 13th, and spoke to them concerning my views and intentions. During the dinner conversation it was reported to me that a code telegram had been received from Ems, and it was then in process of decoding. I then read it to my guests, who were so crushed that they refused to eat or drink.

All considerations, conscious or unconscious, strengthened my opinion that war could be avoided only at the cost of the honor of Prussia and of the national confidence in her.

Under this conviction I made use of the royal authority communi-

* Otto von Bismarck, *Gedanken und Erinnerungen* (Stuttgart and Berlin, 1898), II, 406-408.

cated to me through Abeken to publish the contents of the telegram. In the presence of my guests I reduced the telegram by deleting words, but without adding or altering a single word. . . .

The difference in the effect of the shortened text of the Ems telegram as compared with that of the original was not the result of stronger words but of the form, which made the announcement appear decisive.

After I had read the condensed version to my two guests, Moltke said:

"Now it has a quite different ring. In its original form it sounded like a parley. Now it is like a flourish of trumpets in answer to a challenge!"

I went on to explain:

"If, in execution of His Majesty's order, I immediately communicate this text, which contains no changes in or additions to the telegram, not only to the newspapers but also by wire to all our embassies, it will be known in Paris before midnight. Not only on account of its contents but also because of the manner of its distribution, it will have the effect of a red flag on the Gallic bull.

"We must fight if we do not want to act the part of the defeated without a battle. However, success depends essentially upon the impression which the beginning of the war makes upon us and others. It is most important that we should be the ones attacked. Gallic insolence and sensitivity will bring this about if we announce before all Europe, as far as we can without the speaking tube of the Reichstag, that we are courageously meeting the public threats of France."

This explanation drew from both generals a metamorphosis into a more joyous mood, whose liveliness surprised me. They had suddenly recovered their desire to eat and drink and began to speak in a more cheerful tone.

Roon said: "Our God of old still lives, and will not let us die in disgrace."

Moltke relinquished his passive equanimity so much that, glancing up joyously to the ceiling and abandoning his usual punctiliousness of speech, he pounded his chest with his hand and exclaimed:

"If I may but live to lead our armies in such a war, then right afterwards let the devil come and haul away the old carcass." He was then more frail than later and had his doubts as to whether he could live through the fatigue of a field campaign.

II Original and Edited Versions of the Ems Dispatch *

THE ABEKEN TEXT

Ems, July 13, 1870.

To the Federal Chancellor, Count Bismarck, No. 27, No. 61 *ed.* 3.10 P.M. (*Station Ems: Rush!*)

His Majesty the King writes to me:

"M. Benedetti intercepted me on the Promenade in order to demand of me most insistently that I should authorize him to telegraph immediately to Paris that I shall obligate myself for all future time never again to give my approval to the candidacy of the Hohenzollerns should it be renewed. I refused to agree to this, the last time somewhat severely, informing him that one dare not and cannot assume such obligations *à tout jamais*. Naturally, I informed him that I had received no news as yet, and since he had been informed earlier than I by way of Paris and Madrid, he could easily understand why my government was once again out of the matter."

Since then His Majesty has received a dispatch from the Prince [Charles Anthony]. As His Majesty has informed Count Benedetti that he was expecting news from the Prince, His Majesty himself, in view of the above-mentioned demand and in consonance with the advice of Count

BISMARCK'S EDITED VERSION

After the reports of the renunciation by the hereditary Prince of Hohenzollern had been officially transmitted by the Royal Government of Spain to the Imperial Government of France, the French Ambassador presented to His Majesty the King at Ems the demand to authorize him to telegraph to Paris that His Majesty the King would obligate himself for all future time never again to give his approval to the candidacy of the Hohenzollerns should it be renewed.

* *Propylaen Weltgeschichte* (Berlin, 1930), VIII, 248 Heinrich Abeken was German Councilor of Legation at Paris

THE ABEKEN TEXT

Eulenburg and myself, decided not to receive the French envoy again but to inform him through an adjutant that His Majesty had now received from the Prince confirmation of the news which Benedetti had already received from Paris, and that he had nothing further to say to the Ambassador. His Majesty leaves it to the judgment of Your Excellency whether or not to communicate at once the new demand by Benedetti and its rejection to our ambassadors and to the press.

[Signed] A[beken] 13.7.70

BISMARCK'S EDITED VERSION

His Majesty the King thereupon refused to receive the French envoy again and informed him through an adjutant that His Majesty had nothing further to say to the Ambassador.

77 Beginning of the Franco-Prussian War, 1870

"Anyone who reads the twenty-second chapter of Bismarck's *Reflections and Recollections*," wrote Erich Eyck in a recent study of Bismarck,* "will receive the impression that in the spring of 1870 Germany, Prussia, King William and Bismarck were in a most peaceful mood, and that they were drawn into a war quite unexpectedly and reluctantly by French insolence and wantonness. . . . The truth is quite different, nearly the opposite of Bismarck's tale. . . . Lothar Bucher, Bismarck's most intimate collaborator in the Foreign Office, . . . knew better than anybody else how completely Bismarck distorted the truth, and in conversation with his friend Busch he called the Hohenzollern candidature frankly a 'trap which Bismarck set for Napoleon,' and he added that neither the King nor the Crown Prince has the least idea of this feature of Bismarck's manoeuvre."

Eyck's point of view seems to be substantiated in part by the

* Erich Eyck, *Bismarck and the German Empire* (London, 1950), pp. 163-164.

throne speech of William I at the opening of the special session of the North German Reichstag on July 19, 1870. In his emotional call to action, the Prussian King seemed to have been completely convinced that the war was deliberately thrust upon Prussia by France. A few days later, on July 25th, he issued a proclamation to his people.

I Extracts from Throne Speech by William I, King of Prussia,
at the Opening of the North German Reichstag, July 19, 1870 *

Honorable Gentlemen of the Reichstag of the North German Confederation!

When I bade you welcome in the name of the federated governments from this place at the beginning of your last session, I mentioned my joyful thanks that my honest attempt to be adequate to the wishes of the people and the needs of civilization by guarding against every breach of the peace had been, with God's help, successful.

Since, however, the menace and danger of war have made it imperative for the allied governments to summon you to a special session, you, as well as we, will have the conviction that the North German Confederation was always concerned with using the power of the German people, not for endangering, but for strongly preserving general peace; and that, if we at this moment call upon this power of the German people for the protection of our independence, we heed only the demands of honor and duty.

The candidacy of a German prince for the throne of Spain, in the proposal and removal of which all the allied governments had no part, and which was of interest to the North German Confederation only insofar as the government of a friendly nation desired to obtain an orderly and peace-loving regime, has led the government of the French Emperor to war, as the result of a unique diplomatic exchange, . . .

If Germany in preceding centuries has silently borne such violations of her rights and her honor, it was only because, in her divided condition, she never knew how strong she really was. Today, with a spiritual and legal bond of unity which began with the War of Liberation, today, when Germany's armaments no longer give the enemy openings, she bears in herself the will and the power to frustrate any new French deeds of violence.

* *Stenographische Berichte über die Verhandlungen des Reichstages, 1870, 2d Session, pp. 1 ff.*

These words of mine are no idle boast. The federated governments understand as well as I that victory or defeat lies in the hands of our battle leaders. With a clear mind we have measured the responsibility which we bear before the judgment of God and the people because two great and peace-loving peoples in the heart of Europe have gone to destructive war.

The German and the French people, both of whom have been enjoying the blessings of Christianity and a rising prosperity, are really worthy of a more healthy rivalry than that to be solved through bloody warfare.

But it is a fact that those in power in France have understood how to utilize for their personal interest the well-meaning but excitable temperament of our great neighboring people.

The more the allied governments realize how every honorable and dignified method was used to secure the blessings of peace for Europe and how plain it is before all eyes that the sword has been forced into our hands, the more certain we shall be in our call to defend our honor and independence, fortified as we are in the unified will of the German governments of both North and South and in the German people's love for the Fatherland and in their joy in sacrifice.

Following the example of our fathers before us, we shall fight for our freedom and for our rights against the outrages of foreign conquerors, and in this struggle, in which we pursue no other aim than that of securing the peace of Europe, God shall be with us, as He was with our fathers.

II King William I's Proclamation: "An das deutsche Volk,"
July 25, 1870 *

From all tribes of the German Fatherland, from all circles of the German people, even from across the seas, from societies and guilds, from organizations and private individuals, I have received so many messages of devotion and willingness to make sacrifices on the occasion of the coming struggle for the honor and independence of Germany, that it has become imperative that I recognize publicly the harmony of the German spirit, that I express my royal thanks, and that I add my assurance that I shall return the loyalty of the German people with my own eternal loyalty. The love for our common Fatherland and the unanimous uprising of the German people and their princes have reconciled all differences and opposition; and,

* *Der deutsch-französische Krieg*, War Historical Division of the Great General Staff (Berlin, 1872-1881), Pt. I, sect. 1, p. 120.

unified, as seldom before in her history, Germany will find that the war will bring her lasting peace, and that, out of the bloody seed, will come a God-blessed harvest of German freedom and unity.

[Signed] WILLIAM

78 The French Capitulation, 1870

Immediately after the outbreak of the Franco-Prussian war in mid-July, 1870, German armies under General Moltke invaded France through Alsace-Lorraine. Within six weeks the Germans won a series of battles, the most famous of which was that at Sedan. At the beginning of the conflict the French Minister of War had assured Napoleon III that his army was in readiness "down to the last button on the last gaiter of the last soldier," but at Sedan the French army of 120,000 men was routed by a most efficient German war machine; 17,000 were killed or wounded and the rest were taken prisoners. Napoleon himself was made a captive.

Following is the formal exchange of communications between Napoleon III and William. The eyewitness account of the famous meeting between Napoleon III and Bismarck at Fresbois, near Sedan, was recorded by Moritz Busch, Bismarck's Boswell.

I Exchange of Messages between Napoleon III and King William I *

Napoleon to King William

Sir, My Brother!

Since I was not able to die in the midst of my troops, it only remains for me to surrender my sword to the hands of Your Majesty.

I am, Your Majesty's Good Brother,

NAPOLEON

Sedan, September 1, 1870.

* *Der deutsch-französische Krieg*, War Historical Division of the Great General Staff (Berlin, 1872-1881), Pt. I, sect. 8, p. 313.

King William I's Reply

Sir, My Brother!

While regretting the circumstances in which we shall meet, I accept the sword of Your Majesty, and I urge you to grant one of your officers full power to arrange the capitulation of the army that has fought so bravely under your orders. On my side, I have designated General Moltke to that effect.

I am Your Majesty's Good Brother,

WILLIAM

Before Sedan, September 1, 1870.

II Moritz Busch on the Surrender of Napoleon III,
September 2, 1870 *

I hastily dressed myself, and after I had informed them downstairs that the Chief had left for Sedan in order to meet the Emperor Napoleon, who had in the meantime left the fortress, I followed him as quickly as I could. About eight hundred paces from the bridge across the Meuse at Donchery, just to the right of a road planted with poplars, is a single house, which was then the residence of a Belgian weaver.

I see that the Chancellor has already met the Emperor. Directly in front of the house are six French officers of high rank, of whom five have caps with gold trimmings, and that worn by the sixth is black. A hackney coach with four seats is waiting on the road. Bismarck and his cousin, Count Bohlen, stand opposite the Frenchman, while a short distance off is Leverström, as well as two hussars, one brown and one black.

Promptly at eight o'clock Moltke arrives with a few officers of the general staff, but he leaves again after a short stay. Soon a short, thick-set man, in a red cap with gold lace, and wearing red trousers, as well as a hooded cape lined with red, steps from behind the house and speaks with French officers, some of whom are sitting under the hedge alongside the potato field. He wears white kid gloves, and smokes a cigarette. It is the Emperor. I am but a short distance from him, and I can clearly distinguish his features. There is something soft and dreamy in his light grey eyes, which seem like those of people who have lived fast. His cap sets a bit toward the right, and his

* Adapted from Moritz Busch, *Tagebuchblätter* (Leipzig, 1899), I, 153-164, *passim*.

head is also bent in that direction. His short legs do not seem in proportion with the long upper part of his body. His whole appearance has something altogether unmilitary about it. The man is too soft, I am inclined to think, too pulpy, for the uniform he wears. One could even imagine that he is capable of being sentimental at times. These impressions force themselves upon one all the more when one looks at the tall, well-set figure of our Chancellor. Napoleon seems tired, but he is not very much depressed. Nor does he look as old as I had expected him to. He might pass for a well-preserved man of fifty.

After a pause, he goes over to the Chief, and speaks with him for about three minutes, and then, still smoking, with his hands behind his back, he walks up and down the potato garden. A further brief conversation follows between the Emperor and the Chancellor, begun by Bismarck, after which Napoleon once more talks with his French suite. About a quarter to nine, Bismarck and his cousin leave, going in the direction of Donchery. I follow them.

The next morning the Chancellor called me to his bedside. Someone had sent him five hundred cigars, and he wanted me to divide them among the wounded. It was a cold, dull, and rainy morning. The masses of Prussian and Württemberg troops who marched through the town seemed, nevertheless, to be in the best of spirits. They sang to the music of their bands.

About ten o'clock, as I waded in the drizzling rain through the thick mud of the market place, I met a long procession of conveyances coming from the Meuse bridge under the escort of the black death's-head hussars.

In a closed coupé immediately behind the hussars sat the Prisoner of Sedan, the Emperor Napoleon, on his way to Wilhelmshöhe through Belgium.

79 The Founding of the Second Reich, 1871

While the siege of Paris was in its final stage, the long struggle for German national unity culminated in a memorable ceremony. On January 18, 1871, one hundred and seventy years after the coronation of Frederick I as the first Prussian King (King in Prussia), William I was proclaimed German Emperor

in the Hall of Mirrors of the Palace of Versailles. Thus was born the Second German Reich—handiwork of Bismarck.

The triumphant Bismarck virtually dictated the terms of the treaty signed at Frankfort on Main on May 10, 1871. France ceded to Germany Alsace and a part of Lorraine, over which Germany and France had fought for a thousand years, and which were now combined as a province of the new Reich (Reichsland). France was required to pay an enormous indemnity of a billion dollars, pending which a German army would remain in occupation. It was a complete victory for Germany and a disastrous humiliation for France. The terms of the treaty made it certain that, one day, France would seek revenge.

I The Imperial Proclamation, January 18, 1871 *

WHEREAS, The German Princes and the Free Cities have called unanimously upon us to revive and assume, with the restoration of the German Empire, the German imperial office, which has not been occupied for more than sixty years; and

WHEREAS, Adequate arrangements have been made for this purpose in the Constitution of the German Confederation;

Therefore, we, William, by the grace of God, King of Prussia, do hereby proclaim that we have considered it to be a duty to our common Fatherland to respond to the summons of the unified German Princes and cities and to accept the German imperial title. As a result, we and those who succeed us on the throne of Prussia, henceforth, shall bear the imperial title in all our relations and in all the activities of the German Empire, and we trust to God that the German nation will be granted the ability to construct a propitious future for the Fatherland under the symbol of its ancient glory.

We assume the imperial title, aware of the duty of protecting, with German loyalty, the rights of the Empire and of its members, of maintaining the peace, and of protecting the independent rulers of Germany, which, in turn, is dependent upon the united power of the people.

We assume the title in the hope that the German people will be granted the ability to enjoy the fruits of its zealous and self-sacrificing

* *Die politische Reden des Fürsten Bismarck: historisch-kritische Gesamtausgabe*, edited by Horst Kohl (Stuttgart, 1892-1904), IV, 444.

wars in eternal peace, inside boundaries that give the Fatherland a security against renewed French aggression which has been lost for centuries. May God grant that we and our successors on the imperial throne may at all times enhance the wealth of the German Empire, not through military conquests, but by the blessings and the gifts of peace, within the realm of national prosperity, freedom, and morality.

Issued at General Headquarters, Versailles, January 18, 1871.

WILLIAM

II Excerpts from the Peace of Frankfort, May 10, 1871 *

ARTICLE 1. The distance from the city of Belfort to the frontier line, such as it was first proposed at the time of the negotiations at Versailles, and such as is marked on the map annexed to the instrument ratified by the preliminary treaty of the 26th of February, is considered as indicating the measure of the radius which, in virtue of the clause relative to it from the first article of the preliminaries, is to remain with France together with the city and fortifications of Belfort.

The international commission with which Article 1 of the preliminaries is concerned shall remain on the territory immediately after the exchange of ratifications of the present treaty in order to execute the tasks which devolve upon it and in order to make the draft of the new frontier conform to the preceding dispositions. . . .

ARTICLE 3. The French government shall return to the German government the archives, documents, and registries concerning the civil, military, and judicial administration of the ceded territories. If any of these titles have been displaced, they shall be restored by the French government on the demand of the German government. . . .

ARTICLE 5. The two nations shall possess equal rights in navigation on the Moselle, the Rhine Canal to the Marne, the Rhône Canal to the Rhine, the Saar Canal, and the navigable waters communicating with routes of navigation. The right of flotage shall be maintained. . . .

ARTICLE 7. The payment of five hundred millions [francs] shall take place in the thirty days which follow the re-establishment of the authority of the French government in the city of Paris. One billion

* *Der deutsch-französische Krieg*, War Historical Division of the Great General Staff (Berlin, 1872-1881), Pt. II, sect. 20, pp. 799 ff. Translated from the French.

shall be paid during the course of the year, and a half billion by the 1st of May, 1872. The three final billions shall be payable on the 2d of March, 1874, as has been stipulated by the preliminary peace treaty. After the 2d of March of the current year, the interest on these three billions of francs shall be paid each year, on the 3d of March, at the rate of 5 per cent per year. . . . After the payment of the first half-billion and the ratification of the definite treaty of peace, the Departments of the Somme, the Lower Seine, and the Eure shall be evacuated insofar as they are still occupied by German troops. The evacuation of the Departments of the Oise, Seine-et-Oise, Seine-et-Marne, and the Seine, as well as the forts of Paris, shall take place as soon as the German government shall decide that sufficient order has been established in France as well as in Paris in order to assure the execution of the contracted engagements by France.

In all cases, that evacuation shall take place at the time of the payment of the third half-billion.

ARTICLE 8. The German troops will continue to refrain from taking requisitions in kind or in money from the occupied territories; this obligation on their part being correlative to the contractual obligations for their support by the French government—in the case where, in spite of the reiterated claims of the German government, the French government should be late in executing the said obligations, the German troops shall have the right to procure that which is necessary for their needs in raising the imposts and the requisitions in the occupied departments and even outside of them, if their resources are not sufficient. . . .

ARTICLE 10. The German government, in understanding with the French government, shall continue to return prisoners of war. The French government, on their part, shall return those of the prisoners who are ready to be exchanged. As for those who have not finished their term of service, they shall retire behind the Loire. It is understood that the army of Paris and Versailles, after the establishment of the authority of the French government in Paris, and until the evacuation of the forts by German troops, shall not exceed 24,000 men. . . .

ARTICLE 12. All expelled Germans shall keep full and entire possession of all the property they have acquired in France. . . .

ARTICLE 16. The two governments, German and French, bind themselves reciprocally to respect and preserve the graves of the buried soldiers on their respective territories. . . .

ARTICLE 18. The ratifications of the present treaty by His Majesty, the German Emperor, on the one side, and by the National Assembly

and the Chief Executive of the French Republic, on the other, shall be exchanged at Frankfort within ten days or sooner, if possible.

Issued at Frankfort, May 10, 1871.

[Signed] v. BISMARCK
ARNIM

[Signed] JULES FAVRE
POUYER-QUERTIER
E. DE GOULARD

80 The Constitution of the German Empire, 1871

The political system set up by the Constitution of the German Empire, adopted in 1871, was designed to unify the country without eliminating the hegemony of the reigning princes. The federal union consisted of twenty-five states enjoying a large measure of local autonomy. Bavaria was allowed to retain her own postal and railway system; Bavaria, Baden, and Württemberg were relieved of federal taxes on brandy and beer; but civil and criminal laws were subject to imperial legislation.

The central government was monarchical, with the head of state, the German Emperor, also holding the title of King of Prussia. The upper house, the Bundesrat, represented the reigning princes. The lower body, the Reichstag, was elected by universal manhood suffrage. There was no cabinet system in the Western sense. The Chancellor, who was generally at the same time Prussian Prime Minister, was the whole cabinet, and had no ministerial responsibility.

It was a unique system. It has been said that "the Kaiser was not a president; the Bundesrat was not a senate; the Reichstag was not a parliament; and the Chancellor was not a prime minister." Prussia dominated the other states of the federal union. Only fourteen votes were needed to prevent any changes in the Constitution, and Prussia had seventeen votes in the Bundesrat, where each delegation had to vote as a unit. This

meant that Prussia, in effect, controlled the entire political system—a semiautocratic state ruled by the King of Prussia, the Chancellor, and Prussian Junkers.

Extracts from the Constitution *

Preamble

His Majesty the King of Prussia in the name of the North German Confederation, His Majesty the King of Bavaria, His Majesty the King of Württemberg, His Royal Highness the Grand Duke of Baden, and His Royal Highness the Grand Duke of Hesse and Rhenish Hesse for the areas of the Grand Duchy of Hesse lying north of the Main, hereby establish a perpetual federation for the protection of the federation's territory and of the law in effect within that territory, as well as for the maintenance of the welfare of the German people. This federation shall bear the name German Empire, and shall have the following

Constitution

1. FEDERAL TERRITORY

ARTICLE 1. The federal territory consists of the states of Prussia (with Lauenburg), Bavaria, Saxony, Württemberg, Baden, Hesse, Mecklenburg-Schwerin, Saxe-Weimar, Mecklenburg-Strelitz, Oldenburg, Brunswick, Saxe-Meiningen, Saxe-Altenburg, Saxe-Coburg-Gotha, Anhalt, Schwarzburg-Rudolstadt, Schwarzburg-Sondershausen, Waldeck, Reuss of the Elder Line, Reuss of the Younger Line, Schaumburg-Lippe, Lippe, Lubeck, Bremen, and Hamburg.

2. IMPERIAL LEGISLATION

ARTICLE 2. The Empire exercises the right of legislation within the federal territory according to the provisions of this Constitution, and with the effect that imperial legislation shall take precedence over state legislation. Imperial legislation holds its binding force through proclamation by the Reich in its Imperial Legislative Journal [*Reichsgesetzblatt*]. Insofar as no other date is given in this publication for the beginning of the binding force for legislation, it shall come into effect fourteen days following publication.

* Translated from the official German version, 22d ed. (Leipzig, 1929), *passim*.

ARTICLE 3. There shall be a common right of citizenship for all Germany, with the effect that every person (subject, citizen) residing in any federated state shall be treated as a member of any other federated state and shall be treated equally in such matters as fixed residence, pursuit of a livelihood, eligibility for public office, acquiring of property, achievement of state citizenship, and enjoyment of all special rights of citizenship. . . .

ARTICLE 5. The imperial legislative power shall be exercised by the Bundesrat and the Reichstag. The agreement of the majority votes of both bodies is necessary and sufficient for an imperial statute.

3. BUNDESRAT

ARTICLE 6. The Bundesrat is composed of the representatives of the members of the federation, and the voting procedure shall be as follows: Prussia, together with the former votes of Hanover, Kurhesse, Holstein, Nassau, and Frankfort, 17 votes; Bavaria, 6; Saxony, 4; Württemberg, 4; Baden, 3; Hesse, 3; Mecklenburg-Schwerin, 2; Brunswick, 2; Saxe-Weimar, 1; Mecklenburg-Strelitz, 1; Oldenburg, 1; Saxe-Meiningen, 1; Saxe-Altenburg, 1; Saxe-Coburg-Gotha, 1; Anhalt, 1; Schwarzburg-Rudolstadt, 1; Schwarzburg-Sondershausen, 1; Waldeck, 1; Reuss of the Elder Line, 1; Reuss of the Younger Line, 1; Schaumburg-Lippe, 1; Lippe, 1; Lübeck, 1; Bremen, 1; Hamburg, 1. Total, 58 votes.

Every member of the federation can name as many delegates to the Bundesrat as it has votes, but all delegations must cast their votes as a unit.

ARTICLE 7. The Bundesrat shall decide upon:

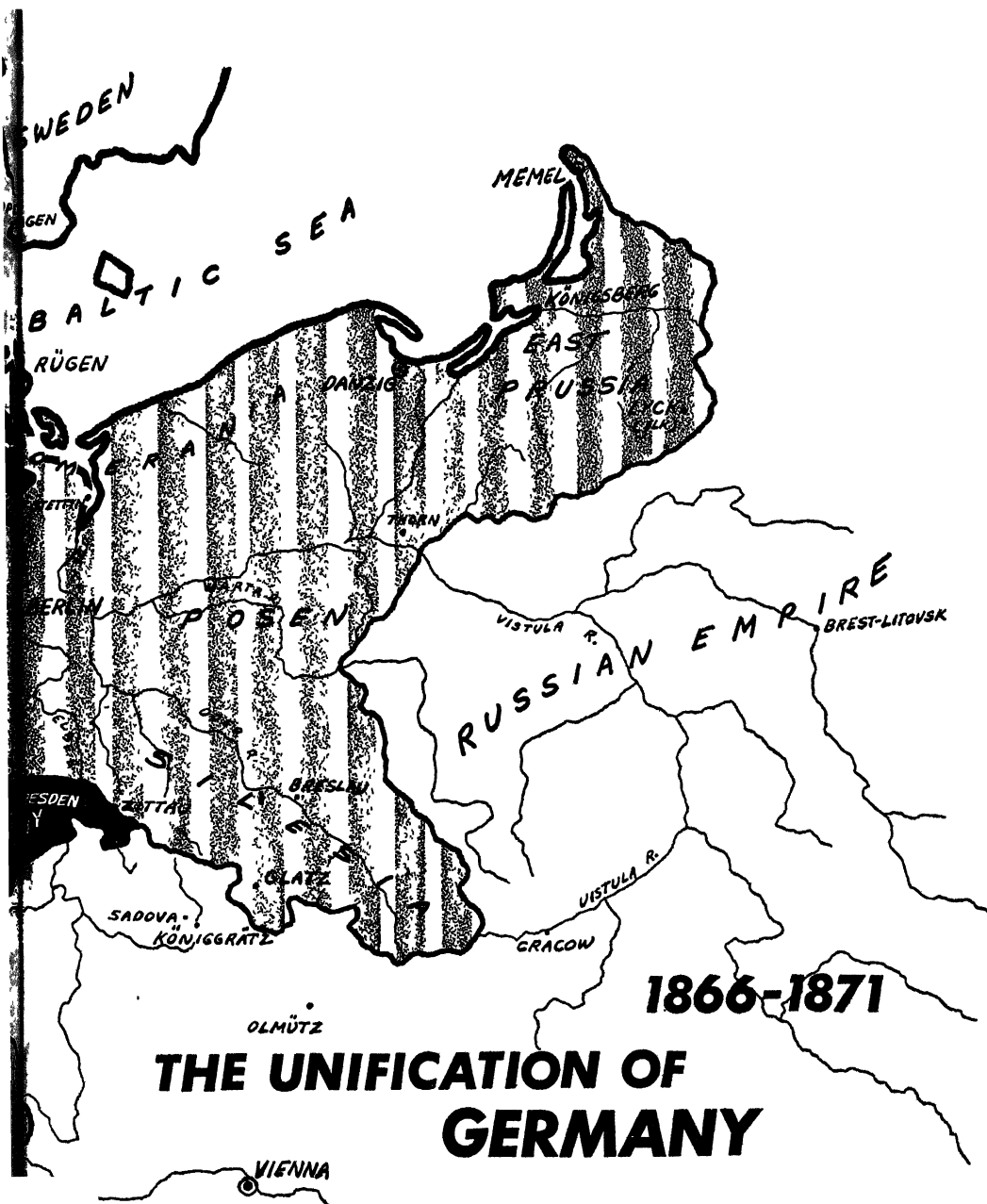
1. Proposals made by the Reichstag and decisions made by it;
2. The implementation of the general administrative measures and orders necessitated by imperial legislation, insofar as imperial legislation has not determined otherwise;
3. The correction of deficiencies that arise in the implementation of imperial legislation or the above-mentioned regulations. . . .

ARTICLE 8. The Bundesrat shall organize from its membership permanent committees for (1) the Army and its citadels; (2) the Navy; (3) customs and taxes; (4) trade and communication; (5) railroads, post, and telegraph; (6) judiciary; and (7) accounts.

In each of these committees, outside of the chairman, four federal states must be represented, and each state shall have but one vote. . . .

ARTICLE 9. Every member of the Bundesrat has the right to appear in the Reichstag, and, on demand, must be heard each time, in





PRUSSIA BEFORE 1866



ANNEXED BY PRUSSIA - 1866



JOINED PRUSSIA TO FORM NORTH GERMAN CONFEDERATION - 1867



JOINED NORTH GERMAN CONFEDERATION TO FORM GERMAN EMPIRE - 1871



CEDED TO GERMANY BY FRANCE - 1871

order to represent the views of his government, even if these views have not been adopted by the majority of the Bundesrat. No one can simultaneously be a member of the Bundesrat and the Reichstag.

ARTICLE 10. The Emperor shall have the duty of providing ordinary diplomatic protection for the members of the Bundesrat.

4. PRESIDING OFFICER

ARTICLE 11. The presiding officer of the federation shall be the King of Prussia, who shall bear the name *German Emperor*. The Emperor shall represent the Empire in the Law of Nations, declare war and conclude peace in the name of the Empire, enter into alliances and other treaties with foreign states, and accredit and receive ambassadors.

The consent of the Bundesrat is required for a declaration of war in the name of the Empire, with the exception of cases of an attack upon the territory of the Empire or its coasts.

ARTICLE 12. The Emperor summons, opens, prorogues, and closes the Bundesrat and the Reichstag.

ARTICLE 13. The Bundesrat and the Reichstag shall be summoned annually. For the preparation of these meetings, the Bundesrat can be summoned without the Reichstag, but the latter cannot be summoned without the Bundesrat.

ARTICLE 14. The Bundesrat must be summoned immediately after such a demand by one third of its membership.

ARTICLE 15. The presiding chair in the Bundesrat and the conduct of business appertain to the Imperial Chancellor, who is to be appointed by the Emperor. . . .

5. REICHSTAG

ARTICLE 20. The Reichstag shall be elected by universal and direct elections with secret voting. . . .

ARTICLE 21. Public officials are not permitted vacations in order to serve in the Reichstag. . . .

ARTICLE 22. The meetings of the Reichstag shall be public. . . .

ARTICLE 23. The Reichstag shall have the right, within the competence of imperial legislation, to present and to pass on petitions directed to it, to the Bundesrat and the Imperial Chancellor.

ARTICLE 24. The legislative period of the Reichstag lasts five years. For the dissolution of the Reichstag during this period a resolution of the Bundesrat with the concurrence of the Emperor is required. . . .

ARTICLE 28. The Reichstag acts with an absolute majority. The

presence of a majority of the legal number of members is required for the validity of its action. . . .

ARTICLE 76. Controversies between different members of the federation, insofar as they are not of a private-law nature and therefore to be decided by the competent tribunals, shall be disposed of by the Bundesrat upon application of one of the parties. . . .

ARTICLE 78. Amendments of the Constitution are made by way of legislation. They shall be considered as rejected if they have fourteen votes against them in the Bundesrat.

Those provisions of the imperial Constitution, by which certain rights of individual members of the federation in their relations to the whole are determined, can be amended only with the consent of the member of the federation entitled to said rights.

81 War Against the Catholic Church: the *Kulturkampf*, 1872–1878

In 1864, Pope Pius IX issued his *Syllabus of Modern Errors*, in which he proclaimed civil marriage and secular education as “modern errors.” The Vatican Council of 1870 announced that the Pope was “infallible” when speaking *ex cathedra* on matters of faith and morals. These two proclamations angered Bismarck, but, since he required the support of the Catholic south German and Rhenish states in the war situation with France, he decided to await a more propitious moment before accepting the “challenge” of the papacy.

Once the national unification of Germany was completed, Bismarck was determined to settle the issue with the Vatican to his own satisfaction. His decree expelling the Jesuits from Germany, the text of which follows, marked the beginning in earnest of the *Kulturkampf* (“struggle for civilization”). In 1873 and 1875, Bismarck put the May Laws through the Prussian Landtag, giving the state increased control over education and marriage, muzzling the Catholic press, confiscating Church property, and persecuting recalcitrant priests.

Pope Pius IX declared these laws null and void, and ordered

Catholics in Germany not to obey them. Bismarck replied: "We shall not go to Canossa either in the flesh or in the spirit." * Catholics flocked to the support of the Catholic Center Party. Alarmed by the rapid growth of the Socialist movement in Germany, Bismarck decided that the "red international" was considerably more dangerous as an enemy of the Empire than the "black international." Accordingly, he abandoned the *Kulturkampf* in 1878, and sought clerical support against the Socialists.

Law Concerning the Order of the Society of Jesus, July 4, 1872 †

1. The Order of the Society of Jesus and other orders related to it, as well as the similar order-like Congregations, are debarred hereby from the territory of the German Reich.

The formation of establishments shall be dissolved within a period of time set by the Bundesrat, which shall not be longer than six months.

2. The members of the Order of the Society of Jesus or orders related to it or the similar order-like Congregations can be banished, if they are foreigners, from the territory of the Confederation; if they are natives, their residence in certain districts or places can be denied, or they can be banished.

3. The necessary regulations for the implementation and execution of this law shall be proclaimed by the Bundesrat.

Given at Bad Ems, July 4, 1872.

(L.S.) WILLIAM
PRINCE VON BISMARCK

82 The Three Emperors' Conferences, 1872-1873

There were traditional bonds of friendship between Russia and Prussia because their armies had fought together against Na-

* See No. 11, above.

† *Reichsgesetzblatt*, 1872, p. 253.

oleon Bonaparte. Moreover, both powers were interested in preventing the re-establishment of Polish independence, which would have deprived them of areas received in the three partitions of Poland in the eighteenth century. After 1871, Bismarck was anxious to preserve the *status quo* and, especially, to prevent a French war of *revanche*.

Accordingly, in September, 1872, Bismarck arranged a meeting of the Three Emperors of Germany, Austria-Hungary, and Russia in Berlin, at which an informal union to be known as the Dreikaiserbund, or the Three Emperors' League, was discussed. Though no written agreement was signed, there was established a close "understanding" as a basis for the League formed later (1881). The entente was strengthened in 1873, when Emperor William I, together with Bismarck and Moltke, visited St. Petersburg and signed a secret military agreement, by which Russia and Germany promised military aid to each other in the event of an attack by a third European power. Several weeks later, Tsar Alexander II went to Austria and signed with Francis Joseph I an agreement whereby they would consult one another on questions on which they differed.

The following excerpt from Bismarck's autobiography reveals his fears that a great conflict might develop between the principle of monarchy and the forces of radicalism.

Bismarck on the Three Emperors' Conferences, 1872 *

The triple alliance, which I at first sought to negotiate after the Peace of Frankfort, and concerning which I had already sounded out Vienna and St. Petersburg, from Meaux, in 1870, was an alliance of the three Emperors, with the additional idea of bringing into it monarchical Italy. It was designed for the conflict which, as I feared, was upon us—between the two European directions which Napoleon called Republican and Cossack, and which I, in consonance with our present ideas, should designate on the one hand as a system of order on the basis of monarchy, and on the other as the social republic to the level of which the antimonarchical development tends to sink, either slowly or by leaps and bounds, until the situation thus evolved

* Otto von Bismarck, *Gedanken und Erinnerungen* (Stuttgart and Berlin, 1898, 1919), chap. 29, pp. 514–515.

becomes intolerable, and the disappointed people are ready for a violent return to monarchical institutions in Caesarean form. The task of escaping from this *circulus vitiosus* or, possibly, of relieving the present generation and their children from an entrance into it, should be more closely dependent on the strong existing monarchies, especially those monarchies that still maintain a vigorous life, than any rivalry over the fragments of nations which inhabit the Balkan peninsula. If the monarchical governments do not understand the necessity for uniting in the interests of the political and social order, but, on the contrary, become subservient to the chauvinistic impulses of their subjects, I fear that the international revolutionary and social conflicts which must be fought out will be all the more dangerous, and take on a character which will make the triumph of the monarchical order all the more difficult. Since 1871 I have sought for the most precise assurance against those conflicts in the alliance of the three Emperors, as well as in the effort to give the monarchical principle in Italy firm support by that alliance. I was not without hope of a lasting success at the time when the meeting of the three Emperors took place at Berlin in September, 1872. This was followed by the visits of my Emperor to St. Petersburg in May, by the visit of the King of Italy to Berlin in September, and by the visit of the German Emperor to Vienna in October of 1873. The first dark clouds over that hope were caused in 1875 by the provocations of Prince Gorchakov, who spread the falsehood that we intended to strike at France before she recovered from her wounds.

83 The Anti-Socialist Laws, 1878

The Socialist Congress at Gotha (1875) united the followers of Karl Marx and Ferdinand Lassalle. The Social Democrats urged the working class of the newly industrialized Germany to demand a republican form of government, a German bill of rights, and support for the international Socialist movement. Bismarck, aware that the Social Democrats were increasing dangerously in numbers, awaited his opportunity to suppress them.

The opportunity came in 1878, when two attempts were made on the life of the old and beloved Emperor William by men who

were accused of being Socialists. Bismarck took advantage of the excitement among the people to impose a series of anti-Socialist laws, called the Exceptional Laws, on the newly elected Reichstag, against the "publicly dangerous endeavors of Social Democracy." Extracts from the first of these laws are given below.

Once again, repression proved to be a stimulus to revolutionary agitation. The Socialists went underground, and despite all efforts to eliminate them as a political factor, they thrived and grew in numbers. The Exceptional Laws, originally enacted for a period of two and a half years, and thereafter renewed, were allowed to expire in 1890, the year of Bismarck's retirement. It was the second major defeat for Bismarck on the domestic scene.

Extracts from the Anti-Socialist Law of October 21, 1878 *

1. Organizations which, through Social Democratic, Socialist, or Communist activities, aim to overthrow the established state or social order are hereby forbidden.

This same ban applies to organizations in which Social Democratic, Socialist, or Communist influence appears to be dedicated to the overthrow of the established state or social order by breaching the public peace or, especially, by endangering class harmony. . . .

Such organizations include fraternities of all kinds. . . .

3. Independent trade-unions (not registered) which, according to their statutes, aim for mutual benefits for their members, are, in case they come under the provision of #1, section 2, not to be banned for the time being, but are to be placed under special state control. . . .

9. All meetings in which Social Democratic, Socialist, or Communist activities appear to be dedicated to the overthrow of the established state or social order shall be dissolved.

Meetings, the activities of which justify the assumption that they are acting in the sense prescribed in the first sentences of this law, are forbidden.

Such meetings include public festivals and parades.

11. All publications in which Social Democratic, Socialist, or Communist influence appears to be dedicated to the overthrow of the established state or social order by breaching the public peace, or, especially, by endangering class harmony, are forbidden.

* *Das Staatsarchiv* (1878), XXXIV, No. 6797, pp. 45 ff.

This ban on periodicals extends to all past issues, as soon as, on the basis of this law, one single issue is forbidden. . . .

16. The collection of contributions on demand by Social Democratic, Socialist, or Communist organizations for the purpose of overthrowing the established state or social order, as well as public demands for payment of such contributions, are contrary to police regulations. This ban will be made public.

Complaints may be made only before the board of control.

17. Anyone who takes part as a member in a forbidden organization, or anyone who exercises any activity in the interests of such an organization, shall be punished with a fine up to 500 marks or with imprisonment of three months. . . . Those who take part in the work of such an organization or its meetings as chairman, leader, director, agent, speaker, or treasurer, or who call upon others to attend meetings, will be sentenced to prison for a term of from one month to one year.

18. Anyone who gives a banned organization or a banned meeting rooms for its use will be punished with a prison term of from one month to one year. . . .

22. Those persons who carry on agitation as described in #1, section 2, and have been judged in violation of #17 to #20 shall have their place of residence restricted.

On the basis of this judgment, residence of the sentenced person is banned in certain districts or places by the rural police. . . . Foreigners can be expelled from federal territory by the rural police. Complaints can be made only before the board of control.

23. Under #22, section 1, the designated persons include innkeepers, licensed victualers, wine- and beer-sellers, publishers, bookstore-owners, librarians, and owners of reading rooms, who, if convicted, are forbidden to carry on their business or work. . . .

30. This law goes into effect on the day of its proclamation and remains in effect until March 31, 1881.

84 The Treaty of Berlin, 1878

When the Turks, under the leadership of Abdul-Hamid II, "a creature half-fox, half-rat," slaughtered the Bulgarians, Russia,

in 1877, declared war on Turkey. Behind the seeming Russian humanitarianism was the century-old desire to get to warm water through the Dardanelles, an aim that had been frustrated once before by England in the Crimean War (1853–1856). The Russians were able to dictate peace at the gates of Constantinople, and by the Treaty of San Stefano, Turkish rule was virtually obliterated in Europe.

There was no doubt that England would go to war again to prevent Russian expansion. All England sang the ditty:

We don't want to fight, but by jingo if we do,
We've got the men, we've got the ships,
We've got the money, too.

Austria, England, and other interested powers demanded that the terms of peace be submitted to an international conference. Bismarck reluctantly agreed to act as "honest broker." The Treaty of Berlin (1878) took away half of Turkey's European territory, and then solemnly guaranteed the "integrity of Turkey." One bewildered delegate remarked: "Everybody was telling everybody else to take something which belonged to somebody else." Here was old-time diplomacy in its most evil form; surely the Treaty of Berlin was one of the worst settlements ever negotiated.

Attention is directed especially to Article 25, by which Austria-Hungary was given the right to occupy and administer the Provinces of Bosnia and Herzegovina. This violation of Serbian national aspirations was to have grave consequences later; it helped prepare the way for World War I.

Extracts from the Treaty of Berlin *

ARTICLE 1. Bulgaria is constituted an autonomous and tributary principality under the suzerainty of His Imperial Majesty the Sultan; it will have a Christian government and a national militia

[Article 2 defines the exact boundaries of Bulgaria]

The Prince of Bulgaria shall be freely elected by the population and confirmed by the Sublime Porte, with the assent of the Powers.

* *The Map of Europe by Treaty*, edited by E. Hertslet (New York and London, 1875–1891), IV, p. 2759 ff.

No member of the reigning dynasties of the Great European Powers may be elected Prince of Bulgaria. . . .

ARTICLE 4. An Assembly of Notables of Bulgaria, convoked at Tirnova, shall, before the election of the Prince, draw up the Organic Law of the Principality. In the districts where Bulgarians are intermixed with Turkish, Rumanian, Greek, or other populations, the rights and interests of these populations shall be taken into consideration as regards the elections and the drawing up of the Organic Law. . . .

ARTICLE 13. A province is formed south of the Balkans which will take the name of "Eastern Rumelia," and will remain under the direct political and military authority of His Imperial Majesty the Sultan, under conditions of administrative autonomy. It shall have a Christian Governor-General. . . .

ARTICLE 25. The Provinces of Bosnia and Herzegovina shall be occupied and administered by Austria-Hungary. The government of Austria-Hungary, not desiring to undertake the administration of the sanjak of Novi-Pazar, which extends between Serbia and Montenegro in a southeasterly direction to the other side of Mitrviotza, the Ottoman Administration will continue to exercise its functions there. Nevertheless, in order to assure the maintenance of the new political state of affairs, as well as freedom and security of communications, Austria-Hungary reserves the right of keeping garrisons and having military and commercial roads in the whole of this part of the ancient vilayet of Bosnia. . . .

ARTICLE 26. The independence of Montenegro is recognized by the Sublime Porte and by all those of the High Contracting Parties who had not hitherto admitted it.

ARTICLE 34. The High Contracting Parties recognize the independence of the Principality of Serbia. . . .

ARTICLE 43. The High Contracting Parties recognize the independence of Rumania, subject to . . . [*the conditions about the same as with Serbia*]

ARTICLE 52. In order to increase the guarantees which assure the freedom of navigation on the Danube which is recognized as of European interest, the High Contracting Parties determine that all the fortresses and fortification existing on the course of the river from the Iron Gates to its mouths shall be razed, and no new ones erected. No vessel of war shall navigate the Danube below the Iron Gates, with the exception of vessels of light tonnage in the service of the river police and Customs. The "stationnaires" of the Powers

at the mouths of the Danube may, however, ascend the river as far as Galatz.

ARTICLE 53. The European Commission of the Danube on which Rumania shall be represented is maintained in its functions, and shall exercise them henceforth as far as Galatz in complete independence of the territorial authorities. . . .

ARTICLE 61. The Sublime Porte undertakes to carry out, without further delay, the improvements and reforms demanded by local requirements in the provinces inhabited by the Armenians, and to guarantee their security against the Circassians and Kurds.

It will periodically make known the steps taken to this effect to the Powers, who will superintend their application.

85 From Free Trade to Protection, 1879

During the decade following national unification in 1871, Bismarck was gradually converted to the cause of a protective tariff policy. He became convinced that the acute sufferings of German industries and the depression of prices had been due in large part to the government's moderate free-trade practices. In reaching this decision, he was undoubtedly influenced by the views of his confidential assistant, Lothar Bucher, who warned him that Germany was being swamped by the surplus production of foreign nations, and who considered the Manchester free-trade movement as "the most colossal and the most audacious campaign of political and economic deception which the world had ever seen." *

Bismarck's shift from *laissez faire* liberalism to economic nationalism was not an easy one. A battle took place between proponents of *laissez faire* (parliamentarians, liberals, bankers, and merchants) and protectionists (agrarians and manufacturers). Finding himself unable to convert the National Liberals, Bismarck negotiated with the Center, which agreed to support him

* Montz Busch, *Bismarck: Some Secret Pages of His History* (New York, 1898), I, 437.

if he dropped the *Kulturkampf*. His success reflected the relative decline of the National Liberal and Progressive parties (strongly free trade) and the enhanced position of the Conservatives (strongly paternalistic).

The effect of the new tariff schedule, adopted on June 12, 1879, was that Germany became a world power instead of a purely European power. Her prosperity increased by leaps and bounds. The change in basic economic policy coincided with the beginning of Germany's great industrial development, which contributed to the international economic and political friction culminating in the world wars of the twentieth century.

When the new protective tariff was placed before the Bundesrat, Bismarck appeared before the Reichstag on May 2, 1879, and delivered a long speech in which he opposed the whole theory of free trade. Pertinent extracts from this speech are given below.

**Extracts from a Speech by Bismarck before the
German Reichstag, May 2, 1879 ***

. . . The only country [which persists in a policy of free trade] is England, and that will not last long. France and America have departed completely from this line; Austria, instead of lowering her tariffs, has made them higher; Russia has done the same, not only through the gold standard but in other ways also. Therefore, to be alone the dupe of an honorable conviction cannot be expected of Germany forever. By opening wide the doors of our state to the imports of foreign countries, we have become the dumping-ground for the production of those countries. Anything can be palmed off on us just now, and it has, when it arrives in Germany, a higher value always than in the country of its origin—at least, so everybody thinks. Since we have been swamped by the surplus production of foreign nations, our prices have been depressed; and the development of our industries and our entire economic position has suffered in consequence.

Let us finally close our doors and erect some barriers, as we have proposed to you, in order to reserve for German industries at least the home market, which, because of German good nature, has been exploited by foreigners. The problem of a large export trade is always a very delicate one; there are no new lands to discover, the world has

* Adapted from *Stenographische Berichte über die Verhandlungen des Reichstages*, 1879, II, 297.

been circumnavigated, and we can no longer find abroad new purchasers of importance to whom we can send our goods. . . .

It is a fact that we find ourselves today in a sorry position, much worse, I am convinced, than that of any of our neighboring countries which have adopted a policy of protection. If the danger of protection were as great as we are told it is by enthusiastic free traders, France would have become impoverished long ago, for she has had a policy of protection since the time of Colbert, and she would have been ruined by theories which have guided her economic policies. . . .

In all questions such as these, I have regarded scientific theories with the same doubt with which I view the theories applied to other organic formations. Medical science, as compared with anatomy, has made but little progress in the last two thousand years with regard to those parts of the body that the eye cannot reach; today, the riddle of organic changes in the human body is as great as it was years ago. It is the same thing when we consider the organism of the state. I am left completely cold by the dicta of abstract science. I make my judgments on the basis of practical experience of the time in which we are living. I see that those countries which have adopted protection are prospering, and that those countries which have free trade are deteriorating. Mighty England, that powerful athlete, after she had strengthened her muscles, stepped out into the open market and said: "Who will fight me?" I am prepared to meet anybody. Yet, England herself is preparing to return slowly to protection, and, in a few years, she will do it to save for herself at least the home market.

In my opinion, since we have placed our tariffs at too low a rate (and I blame myself for that, too), we have been slowly bleeding to death because of insufficient protection. This process was arrested for a while by the billions we received from France after the war. In my view, this situation should not be complicated by personal sensitiveness. I would, therefore, beg that all personal sensitiveness be set aside in this matter, as well as all political differences; the question that lies before us is not a political but a clearly economic one. We shall see how the German body recovers when we give it the power of regular circulation of the blood. My personal request, and a most urgent one, is that we drop all questions of political parties and political tactics in the face of this matter of general importance to all Germans. . . .

Empires, and accordingly to conclude peace only together and upon mutual agreement.

ARTICLE 2. Should one of the high contracting parties be attacked by another power, the other high contracting party binds itself hereby, not only not to support the aggressor against its high ally, but to observe at least a benevolent neutral attitude toward its fellow contracting party.

Should, however, the attacking party in such a case be supported by Russia, either by an active cooperation or by military measures which constitute a menace to the party attacked, then the obligation stipulated in Article 1 of this treaty, for reciprocal assistance with the whole fighting force, becomes equally operative, and the conduct of the war by the two high contracting parties shall in this case also be in common until the conclusion of a common peace.

ARTICLE 3. The duration of this treaty shall be provisionally fixed at five years from the day of ratification. One year before the expiration of this period the two high contracting parties shall consult together concerning the question whether the conditions serving as the basis of the treaty still prevail, and reach an agreement in regard to the further continuance or possible modification of certain details. If in the course of the first month of the last year of the treaty no invitation has been received from either side to open these negotiations, the treaty shall be considered as renewed for a further period of three years.

ARTICLE 4. This treaty shall, in conformity with its peaceful character, and to avoid any misinterpretation, be kept secret by the two high contracting parties, and only communicated to a third power upon a joint understanding between the two parties, and according to the terms of a special agreement.

The two high contracting parties venture to hope, after the sentiments expressed by the Emperor Alexander at the meeting at Alexandrovo, that the armaments of Russia will not in reality prove to be menacing to them, and have on that account no reason for making a communication at present, should, however, this hope, contrary to their expectations, prove to be erroneous, the two high contracting parties would consider it their loyal obligation to let the Emperor Alexander know, at least confidentially, that they must consider an attack on either of them as directed against both.

ARTICLE 5. This treaty shall derive its validity from the approbation of the two Exalted Sovereigns and shall be ratified within fourteen days after this approbation has been granted by Their Most Exalted Majesties.

In witness whereof the Plenipotentiaries have signed this treaty with their own hands and affixed their arms.

Done at Vienna, October 7, 1879.

ANDRÁSSY	H. VII v. REUSS
L.S.	L.S.

87 Bismarck on Social Reform, 1881

Bismarck realized clearly that his anti-Socialist laws would make an irreconcilable enemy of the working class unless something was done to assure a contented mass of industrial laborers. In April, 1881, Bismarck submitted to the Reichstag a proposal to establish an Imperial Insurance Office, which would insure against accidents all workers in mines and factories whose earnings did not exceed 2,000 marks a year. Bismarck's defense of the measure is given below.

Actually, however, this was the beginning of an important series of bills on social legislation which, in a sense, atoned for Bismarck's persecution of the Socialists. The Sickness Insurance Law of 1883, the Accident Insurance Law of 1884, and the Old Age and Invalidity Law of 1887 were enacted during Bismarck's chancellorship. Later, in 1911, these acts were unified in a great social insurance code which set a standard for the world in the amelioration of the lot of the workingman.

Bismarck's Speech on the Draft Bill for Insurance Against Accidents of 1881 *

The field of legislation—justly pronounced by Deputy Richter to be one commanding a vast perspective—opened up by this measure has to do with a question which, in all probability, will not vanish from the order of the day very speedily. For the last fifty years we have been talking about the social question. Since the Socialist Law was passed, I have been repeatedly reminded, in high quarters as well as

* Montz Busch, *Bismarck*, translated by *William Beatty-Kington* (New York, 1891), II, 219-223.

low, of the promise I then gave that something positive should be done to remove the causes of Socialism. Hints of this sort have been imparted to me *toto die*; but I do not believe that our sons, or even our grandsons, will be able finally to solve the question. Indeed, no political questions can ever be mathematically settled, as books are balanced in business; they crop up, have their time, and give way to other questions propounded by history. Organic development wills that it shall be so. I consider it my duty to take up these questions without party feeling or excitement, because I know not who is to do so, if not the imperial government.

Deputy Richter has pointed out the responsibility of the state for what it is now doing. Well, Gentlemen, I feel that the state should also be responsible for what it leaves undone. I am not of opinion that *laissez faire, laissez aller*, "pure Manchester policy," "everybody takes care of himself," "the weakest must go to the wall," "to him who hath shall be given, from him who hath not shall be taken even that which he hath," can be practiced in a monarchically, patriarchally governed state. . . .

The legislation we propose does not go far enough for Deputy Richter. Well, if he will only have patience enough, we shall be able later on to meet his expectations and wishes; but not too quickly or all at once. Such laws are not founded upon the basis of a theoretical whim, but have a genesis, an antecedent history of their own, from which they directly emanate.

The reason we have come forward today with a Bill for Insurance against Accidents is that this method of assisting the poor and weakly had already been warmly recommended at a time when I was looking closely into the whole question. I found all manner of suggestions and schemes with respect to this measure, which seemed by documentary evidence to be most urgent; and I gave my attention to it. I felt at first, in proportion to the theory it represented, it was not nearly comprehensive enough. I was tempted to substitute the words "every German" for "every workingman" in the first paragraph, dealing with compensations for accident. But the insurance question is surrounded by serious difficulties—for instance, when it touches the independent workingman, who suffers injury when he is working on his own account, and the first thing that we had to think about (it troubled us a good deal more than the two hours' speech of a Deputy does) was: How far should this measure extend, without involving us in a blunder at the very inception of our legislative experiments? . . .

Deputy Richter had his statistics all ready respecting the exact percentages of each branch of human occupation, and imparted them

to us with great positiveness. I should be grateful to him if he would acquaint us with the source from which he derived that valuable information. We did our best; our prefatory studies were compiled most carefully from authentic *data*, not imaginary ones based upon conjecture; and if we had lighted upon the statistics which Deputy Richter seems to have discovered with a mere glance of his more perceptive eye—if they had been accessible to us and we had found them correct—we might have gone further in our proposals than we have actually done. . . .

For my part, I should not have the courage to proceed with this measure if the outlay it involves were to be exclusively borne by industrialists. Were state assistance, in every form now obtaining, to be cut off, I should not venture to assume the responsibility of imposing the bill upon German industry. We may limit the state subvention to a period of three years, or otherwise, as you please; but, without having made any experiment by which we can appraise what is before us, I do not feel justified in saddling our industrialists with the whole cost of these state institutions, or in burdening them more heavily than heretofore with the outlay for injured operatives that has hitherto been defrayed by local poor relief, and will at some future time be disbursed to a greater, completer, and more dignified extent by the insured themselves in partnership with the state. . . .

The invalid workman is saved from starvation by the measure we now advocate. That, however, is not sufficient to make him look forward contentedly to old age. And the bill is animated by a desire to keep alive the sense of human dignity, which I hope the poorest German will preserve, and which prescribes that he should not be forced to accept eleemosynary assistance (to which he has no right) but should be entitled to something of which nobody can dispose but himself, and of which nobody can deprive him; that doors, hitherto closed to him, should open readily when he knocks, and that better treatment should be accorded to him in his place of refuge by reason of the additional means he brings into it with him.

Whosoever has looked closely into the state of the poor in large towns, or into the arrangements made for paupers in country communes, and has seen for himself how—even in the best-managed villages—a poor wretch is sometimes treated when weakly and crippled, must admit that any healthy operative, contemplating that spectacle, is fully justified in exclaiming: "It is simply horrible that a human being should be treated worse than a dog in his own house!" I say, therefore, our first object in bringing forward this bill is to ensure kindlier treatment to this class of the poor, and next year I will do

my best to give Deputy Richter full satisfaction as to the extent of the provision proposed to be made by the state for the better usage of the unemployed. For the present this measure must be regarded as an experiment—an attempt to find out the depth of the financial water into which we ask the country to plunge. . . .

An appropriate title for our enterprise would be "Practical Christianity," but we do not want to feed poor people with figures of speech, but with something solid. Death costs nothing; but unless you will put your hands in your pockets and into the state Exchequer, you will not do much good. To saddle our industry with the whole affair—well, I don't know that it could bear the burden. All manufacturers are having hard times. . . .

88 The Three Emperors' League, 1881

Bismarck's choice of Austria as a partner in 1879 did not mean that he had abandoned the possibility of a tripartite agreement. In 1881, the Three Emperors' understandings of 1872–1873 were renewed on the basis of a fresh agreement (*Dreikaiserbund*). Bismarck felt certain that this new alliance would prevent an Austro-Russian war or a Franco-Russian coalition. Each of the signers agreed to remain neutral if either of the others were at war. It was further agreed that there would be no changes in European Turkey without common consent, and that Turkey would keep the Straits closed to all non-Turkish vessels.

Bismarck regarded this agreement as so secret that he refused to entrust the negotiations to anyone else, and wrote out the documents in his own hand. The Three Emperors' League was renewed in 1884 and terminated in 1887.

Text of the Three Emperors' League *

The Courts of Austria-Hungary, of Germany, and of Russia, animated by an equal desire to consolidate the general peace by an understand-

* Reprinted by permission of the publishers from *The Secret Treaties of Austria-Hungary, 1879–1914*, I, 37ff. Alfred F. Pribram, editor Archibald Cary Coolidge, translator Cambridge, Mass.: Harvard University Press, 1920

ing intended to assure the defensive position of their respective states, have come into agreement on certain questions. . . .

With this purpose the three Courts . . . have agreed on the following Articles:

ARTICLE 1. In case one of the high contracting parties should find itself at war with a fourth Great Power, the two others shall maintain toward it a benevolent neutrality and shall devote their efforts to the localization of the conflict.

This stipulation shall apply likewise to a war between one of the three Powers and Turkey, but only in the case where a previous agreement shall have been reached between the three Courts as to the results of this war.

In the special case where one of them shall obtain a more positive support from one of its two allies, the obligatory value of the present Article shall remain in all its force for the third.

ARTICLE 2. Russia, in agreement with Germany, declares her firm resolution to respect the interests arising from the new position assured to Austria-Hungary by the Treaty of Berlin.

The three Courts, desirous of avoiding all discord between them, engage to take account of their respective interests in the Balkan Peninsula. They further promise one another that any new modifications in the territorial *status quo* of Turkey in Europe can be accomplished only in virtue of a common agreement between them.

In order to facilitate the agreement contemplated by the present Article, an agreement of which it is impossible to foresee all the conditions, the three Courts from the present moment record in the Protocol annexed to this treaty the points on which an understanding has already been established in principle.

ARTICLE 3. The three Courts recognize the European and mutually obligatory character of the principle of the closing of the Straits of the Bosphorus and of the Dardanelles, founded on international law, confirmed by treaties, and summed up in the declaration of the second Plenipotentiary of Russia at the session of July 12th of the Congress of Berlin.

They will take care in common that Turkey shall make no exception to this rule in favor of the interests of any government whatsoever, by lending to warlike operations of a belligerent power the portion of its empire constituted by the Straits.

In case of infringement, or to prevent it if such infringement should be in prospect, the three Courts will inform Turkey that they would regard her, in that event, as putting herself in a state of war toward the injured party, and as having deprived herself thenceforth of the

benefits of the security assured to her territorial *status quo* by the Treaty of Berlin.

ARTICLE 4. The present treaty shall be in force during a period of three years, dating from the day of the exchange of ratifications.

ARTICLE 5. The high contracting parties mutually promise secrecy as to the contents and the existence of the present treaty, as well as of the Protocol annexed thereto.

ARTICLE 6. The secret conventions concluded between Austria-Hungary and Russia and between Germany and Russia in 1873 are replaced by the present treaty.

SZÉCHENYI
v. BISMARCK
SABOUROFF

Separate Protocol on the Same Date to the Convention of Berlin, June 18, 1881

1. *Bosnia and Herzegovina.* Austria-Hungary reserves the right to annex these provinces at whatever moment she shall deem opportune.

2. *Sanjak of Novi-Pazar.* The declaration exchanged between the Austro-Hungarian Plenipotentiaries and the Russian Plenipotentiaries at the Congress of Berlin under the date of July 13/1, 1878, remains in force.

3. *Eastern Rumelia.* The three Powers agree in regarding the eventuality of an occupation either of Eastern Rumelia or of the Balkans as full of perils for the general peace. In case this should occur, they will employ their efforts to dissuade the Porte from such an enterprise, it being well understood that Bulgaria and Eastern Rumelia on their part are to abstain from provoking the Porte by attacks emanating from their territories against the other provinces of the Ottoman Empire.

4. *Bulgaria.* The three Powers will not oppose the eventual re-union of Bulgaria and Eastern Rumelia within the territorial limits assigned to them by the Treaty of Berlin, if this question should come up by the force of circumstances. They agree to dissuade the Bulgarians from all aggression against the neighboring provinces, particularly Macedonia; and to inform them that in such a case they will be acting at their own risk and peril.

5. In order to avoid collisions of interests in the local questions which may arise, the three Courts will furnish their representatives and agents in the Orient with a general instruction, directing them to endeavor to smooth out their divergences by friendly explanations be-

tween themselves in each special case; and, in the cases where they do not succeed in doing so, to refer the matters to their governments.

6. The present Protocol forms an integral part of the secret treaty signed on this day at Berlin and shall have the same force and validity. . . .

89 The Triple Alliance, 1882

In 1882, when Italy made overtures to the Central Powers, the Dual Alliance became the Triple Alliance. Italy was distressed by French seizure of Tunisia, which contained a hundred Italians to one Frenchman. To achieve her ambitions in North Africa and along the Adriatic, Italy needed powerful allies. Furthermore, she desired assistance in the event that France sought to restore the temporal power of the papacy. Unsupported, she had no chance to achieve her territorial ambitions.

Bismarck was not averse to the entreaties of the Italian minister, Francesco Crispi, since a solid block of Central European powers would restrain France in her desires for a war of revenge against Germany. Austria, worried about Russia, was willing to come to terms even with the Italians.

Bismarck had no illusions about the strength of Italy: "They have a large appetite and such poor teeth!" But, under the circumstances, he was not opposed to the idea of an additional enemy on the flank of France.

Text of the Triple Alliance *

ARTICLE 1. The high contracting parties mutually promise peace and friendship, and will enter into no alliance or engagement directed against any one of their states.

They engage to proceed to an exchange of ideas on political and economic questions of a general nature which may arise, and they further promise one another mutual support within the limits of their own interests.

* Reprinted by permission of the publishers from *The Secret Treaties of Austria-Hungary, 1879-1914*, I, 65, 67, 69. Alfred F. Pribram, editor. Archibald Cary Coolidge, translator. Cambridge, Mass.: Harvard University Press, 1920.

ARTICLE 2. In case Italy, without direct provocation on her part, should be attacked by France for any reason whatsoever, the two other contracting parties shall be bound to lend help and assistance with all their forces to the party attacked.

This same obligation shall devolve upon Italy in case of any aggression without direct provocation by France against Germany.

ARTICLE 3. If one, or two, of the high contracting parties, without direct provocation on their part, should chance to be attacked and to be engaged in a war with two or more Great Powers non-signatory to the present treaty, the *casus foederis* will arise simultaneously for all the high contracting parties.

ARTICLE 4. In case a Great Power nonsignatory to the present treaty should threaten the security of the states of one of the high contracting parties, and the threatened party should find itself forced on that account to make war against it, the two others bind themselves to observe toward their ally a benevolent neutrality. Each of them reserves to itself, in this case, the right to take part in the war, if it should see fit, to make common cause with its ally.

ARTICLE 5. If the peace of any of the high contracting parties should chance to be threatened under the circumstances foreseen by the preceding Articles, the high contracting parties shall take counsel together in ample time as to the military measures to be taken with a view to eventual cooperation.

They engage henceforward, in all cases of common participation in a war, to conclude neither armistice, nor peace, nor treaty, except by common agreement among themselves.

ARTICLE 6. The high contracting parties mutually promise secrecy as to the contents and existence of the present treaty.

ARTICLE 7. The present treaty shall remain in force during the space of five years, dating from the day of the exchange of ratifications.

ARTICLE 8. The ratifications of the present treaty shall be exchanged at Vienna within three weeks, or sooner if may be.

In witness whereof the respective Plenipotentiaries have signed the present treaty and have affixed thereto the seal of their arms.

Done at Vienna, the twentieth day of the month of May of the year one thousand eight hundred and eighty-two.

(L.S.) KÁLNOKY

(L.S.) H. VII OF REUSS

(L.S.) C. ROBILANT

[An additional declaration of Italy stated that the provisions of the Alliance could not be regarded as directed against England.]

MINISTERIAL DECLARATION

The royal Italian government declares that the provisions of the secret treaty concluded May 20, 1882, between Italy, Austria-Hungary, and Germany, cannot, as has been previously agreed, in any case be regarded as being directed against England.

90 The Beginning of German Colonialism, 1882-1885

Before 1871 Bismarck had no thought of acquiring colonies for Germany, nor was there any possibility of such a policy. His attitude was expressed in a typical Bismarckian aphorism: "A colonial policy for us would be just like the silken sables of Polish noble families who have no shirts." * In conformity with the anti-imperialist spirit of the time in Germany, he regarded colonies only as a means of providing sinecures for officials, and he concluded that they were too costly a luxury for Germany. In the middle 1870's he looked upon as obstacles to German colonialism the *Kulturkampf*, the jealousy of France, the acute irritableness of England, and Germany's own unconfident position in international affairs.

In the early 1880's, however, the *Kulturkampf* was at an end, the *revanche* policy of France had been softened, and Germany's position in Europe had been strengthened in 1882 by the Triple Alliance between Germany, Austria, and Italy. Bismarck, who as early as 1863 had been called "that crazy Minister at Berlin" by Lord Palmerston, was now in a position to defy England's sensitiveness. Impatient at British delays, he let it be known that his support for British claims in Egypt could be had only at a price—colonies for Germany.

The first of the following documents shows how Bismarck utilized the services of his son, Herbert, in prodding the British to allow German expansion. The second, a summary of Bis-

* H. von Poschinger, *Fürst Bismarck als Volkswirt* (Berlin, 1889), I, Pt. 4, p. 63, note 9.

marck's speech before the Reichstag, indicates how far he had changed his mind on the matter of colonies for Germany. The third, an imperial rescript, gave official governmental support for German colonial entrepreneurs in Africa.

I Extract from a letter of the Consul at The Hague,
Count Herbert Bismarck, to Lord Granville, 1884 *

PERSONAL

Königstein, August 30, 1884

. . . You undoubtedly know that public opinion in Germany concerning overseas and colonial enterprises has reached a high point in the last several years and has demanded free exercise in this direction. Moreover, this question has recently won the attention of the German government in view of its fight against the opposition's position expressed in parliamentary debates on the law concerning ship subsidies.

I know that my father, in consideration of the friendly relations between England and Germany, certainly did not expect that our colonial aims, which he believes to be practical, and which in comparison to English colonial enterprises are so completely unimportant, could possibly find an unfriendly reception from your side.

Accordingly, he believes it to be best to handle the matter openly and loyally and to make clear to you what he has done in the last few years.

The long silence of your government, which allowed us to wait for approximately six months before we received a reply to our clearly worded question, has resulted in the fear that the British Colonial Office has drawn advantage from this delay and could take steps to frustrate German aims.

You will remember that I, during my last visit to England, was very happy about the fact that I was able, through your friendly mediation, to destroy the rising feeling of mistrust; unfortunately, it has reappeared, especially because of the well-known decisions of the Cape Government, which were made public after I had left London and which stand in direct contradiction with all the earlier official declarations of the British government. This seemed to indicate the intention of choking off German wishes, to finish them in the very beginning.

We hope, indeed, that you will not cover the Cape Government

* *Die grosse Politik der europäischen Kabinette, 1871-1914, Sammlung der Akten des deutschen Auswärtigen Amtes* (Berlin, 1922-1927), No. 752.

and that you will not recognize their illegal and hasty actions, which have caused so much bad blood in Germany. I am sorry to have to tell you that this experience has made a painful impression upon my father, and has led him to believe that the British Colonial Office attaches less value to a good understanding with Germany than does the office of Your Lordship.

The same observation is forthcoming regarding the news of the steps which the Australian colonies intend to take in the South Sea.

I might remark in this connection that, in reference to this last point, my father hopes, on the basis of the last communication from Your Excellency, to achieve a complete understanding.

I feel sure that, until the present moment, my father has not given up this hope, and that he has not changed in any way his views concerning the necessity for good relations between both our countries. If he had, then I am sure that his attitude, in view of the excited tone of the German press, would have been quite different from what it has been, and that he would have pursued an entirely different course, he would have done his best to dampen this excitement and would have awaited silently for the time when new developments gave him the opportunity to demonstrate the usefulness and the weight of German friendship for England. . . .

Yours sincerely,

H. BISMARCK

II Précis of Bismarck's Speech to the Reichstag on
German Colonial Policy, June 23, 1884 *

On the question of the relationship between the steamship proposals and overseas policies, the Reich Chancellor had the following to say:

He has himself expressed earlier, and still retains, the view that it would not be right for us to occupy tracts of land where we have no interests, merely to stimulate artificially German emigration, have the area controlled by German officials, and erect garrisons there. We do not possess properly trained officials for this purpose; that would be too expensive for us and would tax our navy too much. Moreover, our navy has been limited through our small expansion and a resultant weak seagoing population, whose low wages have impelled many of them to seek service with the English and Americans. It is something else again to place under the protection of the Reich the free settle-

* Abstracted from the *Norddeutsche Allgemeine Zeitung*, in *Das Staatsarchiv*, XLIII (1884), No. 8348, pp. 361 ff.

ments of citizens of the Reich in areas which are not under the recognized sovereignty of other nations. The Chancellor holds it to be a duty of the Reich to place under her protection such settlements overseas by citizens of the Reich, not only their factories but also the territory acquired by them. Even here the usefulness of the procedure cannot be predicted on a theoretical basis; but one can await the experiences of other nations in this respect.

III Imperial Letter of Safe-Conduct for the Society for German Colonization, February 25, 1885 *

We, William, by the grace of God, German Emperor and King of Prussia, declare and ordain the following:

According as the then chairman of the Society for German Colonization, Dr. Karl Peters, and our Chamberlain, Felix, Count Behr-Bandelin, have petitioned us for protection for the territorial acquisitions of the society in East Africa, west of the territory of the Sultan of Zanzibar, outside the authority of other powers; and according as the said Dr. Karl Peters in November and December of last year concluded treaties with the rulers of Usagara, Mguru, Useguba, and Ukami, by which these territories were taken over by the Society for German Colonization with the right of sovereignty, and has petitioned me to place these territories under our authority; so do we confirm that we have taken over this authority and we have placed these territories under our imperial protection. . . .

Under the conditions that the aforesaid society remains a German society and that the directorate or other leaders of the organization, as well as their successors, remain citizens of the German Reich, we grant authorization to it for the exercise of all rights stemming out of the treaties, including legal justice for the natives and citizens of the Reich and other nations who may settle in the territories for business or other purposes, and we place it under the control of our government through this our Letter of Safe-Conduct, reserving further regulations and supplements.

In witness whereof this Letter of Safe-Conduct has been drawn up and attested with our imperial seal.

Given at Berlin, February 27, 1885.

WILLIAM
VON BISMARCK

* Quoted in Horst Kohl, *Dreissig Jahre preussisch-deutscher Geschichte* (Giessen, 1888), pp. 277 ff.

91 The Reinsurance Treaty, 1887

Russia refused to renew the Dreikaiserbund when it expired in 1887, and, instead, proposed a separate neutrality treaty with Germany alone. This fell in nicely with Bismarck's plans "to keep the wires open to St. Petersburg." Without informing Austria of his intentions, he negotiated the Reinsurance Treaty with Russia in 1887. This was typically Bismarckian strategy: He had a secret treaty with Austria directed against Russia; now he had a secret treaty with Russia against Austria. The net effect was that Germany agreed to stand by the power attacked.

The existence of the Reinsurance Treaty was revealed by Bismarck himself after his fall from power in 1890. William II allowed the treaty to lapse in 1890.

Text of the Treaty *

The imperial Courts of Germany and of Russia, animated by an equal desire to strengthen the general peace by an understanding destined to assure the defensive position of their respective states, have resolved to confirm the agreement established between them by a special arrangement, in view of the expiration on June 15/27, 1887, of the validity of the secret Treaty and Protocol, signed in 1881 and renewed in 1884 by the three Courts of Germany, Russia, and Austria-Hungary.

To this end the two Courts have named as Plenipotentiaries:

His Majesty the Emperor of Germany, King of Prussia, the Sieur Herbert Count Bismarck-Schönhausen, His Secretary of State in the Department of Foreign Affairs;

His Majesty the Emperor of All the Russians, the Sieur Paul Count Shuvalov, His Ambassador Extraordinary and Plenipotentiary to His

* Reprinted by permission of the publishers from *The Secret Treaties of Austria-Hungary*, 1879-1914, I, 275-281. Alfred F. Pribram, editor. Archibald Cary Coolidge, translator. Cambridge, Mass.: Harvard University Press, 1920.

Majesty the Emperor of Germany, King of Prussia, who, being furnished with full powers, which have been found in good and due form, have agreed upon the following articles:

ARTICLE 1. In case one of the high contracting parties should find itself at war with a third Great Power, the other would maintain a benevolent neutrality toward it, and would devote its efforts to the localization of the conflict. This provision would not apply to a war against Austria or France in case this war should result from an attack directed against one of these two latter powers by one of the high contracting parties.

ARTICLE 2. Germany recognizes the rights historically acquired by Russia in the Balkan Peninsula, and particularly the legitimacy of her preponderant and decisive influence in Bulgaria and in Eastern Rumania. The two Courts engage to admit no modification of the territorial *status quo* of the said peninsula without a previous agreement between them, and to oppose, as occasion arises, every attempt to disturb this *status quo* or to modify it without their consent.

ARTICLE 3. The two Courts recognize the European and mutually obligatory character of the principle of the closing of the Straits of the Bosphorus and of the Dardanelles, founded on international law, confirmed by treaties, and summed up in the declaration of the second Plenipotentiary of Russia at the session of July 12th of the Congress of Berlin (Protocol 19).

They will take care in common that Turkey shall make no exception to this rule in favor of the interests of any government whatsoever, by lending to warlike operations of a belligerent power the portion of its empire constituted by the Straits. In case of infringement, or to prevent it if such infringement should be in prospect, the two Courts will inform Turkey that they would regard her, in that event, as putting herself in a state of war toward the injured party, and as depriving herself thenceforth of the benefits of the security assured to her territorial *status quo* by the Treaty of Berlin.

ARTICLE 4. The present treaty shall remain in force for the space of three years, dating from the day of the exchange of ratifications.

ARTICLE 5. The high contracting parties mutually promise secrecy as to the contents and the existence of the present treaty and of the Protocol annexed thereto.

ARTICLE 6. The present treaty shall be ratified and ratifications shall be exchanged at Berlin within a period of a fortnight, or sooner if may be.

In witness whereof the respective Plenipotentiaries have signed the present treaty and have affixed thereto the seal of their arms.

Done at Berlin, the eighteenth day of the month of June, one thousand eight hundred and eighty-seven.

(L.S.) COUNT BISMARCK

(L.S.) COUNT PAUL SHUVALOV

ADDITIONAL PROTOCOL. BERLIN, JUNE 18, 1887

In order to complete the stipulations of Articles 2 and 3 of the secret treaty concluded on this same date, the two Courts have come to an agreement upon the following points:

1. Germany, as in the past, will lend her assistance to Russia in order to re-establish a regular and legal government in Bulgaria. She promises in no case to give her consent to the restoration of the Prince of Battenberg.

2. In case His Majesty the Emperor of Russia should find himself under the necessity of assuming the task of defending the entrance of the Black Sea in order to safeguard the interests of Russia, Germany engages to accord her benevolent neutrality and her moral and diplomatic support to the measures which His Majesty may deem it necessary to take to guard the key of His Empire.

3. The present Protocol forms an integral part of the secret treaty signed on this day at Berlin, and shall have the same force and validity.

In witness whereof the respective Plenipotentiaries have signed it and have affixed thereto the seal of their arms.

Done at Berlin, the eighteenth day of the month of June, one thousand eight hundred and eighty-seven.

COUNT BISMARCK

COUNT PAUL SHUVALOV

92 Heinrich von Treitschke and Prussian Historiography

The most influential member of the Prussian School of professor-prophets, who endeavored to work politically through history

("durch die Geschichte politisch zu wirken"), was Heinrich von Treitschke (1834-1896). Called to the University of Berlin in 1874, just past the peak of Germany's *Gründerjahre*, he became a great national figure, the prophet of Germany's might and mission. More publicist than historian, Treitschke fought his battles on the lecture podium, lashing out against socialism, Jews, parliamentarianism, England, France, and pacifism. German nationalism received a strong impetus in Treitschke's lecture room.

From Treitschke's mind through his students and into the textbooks of the nation seeped a stream of nationalistic consciousness that was to help mold German extremism. In the words of Hans Kohn: "Treitschke was indisputably one of the master-builders of the triumphant national edifice which seemed to stand in rocklike strength, able to weather all storms of the future. By his pen and his word he had prepared his generation for Bismarck's deed, he had anchored it in the course of preceding history and charted its road into a glorious future, he had aroused the enthusiasm and deepened the faith of countless young Germans who in their turn became educators of youth and administrators of the Empire." *

At the outbreak of World War I, British propagandists utilized Treitschke's works by simply having them translated in many thousands of copies. They included Treitschke, along with Bernhardi and Nietzsche, as one of the trio of "war-inspirers" who had prepared the way intellectually for a war of conquest.

Excerpts from Treitschke's Works †

On the German Character

Depth of thought, idealism, cosmopolitan views; a transcendent philosophy which boldly oversteps (or freely looks over) the separating barriers of finite existence; familiarity with every human thought and

* Hans Kohn, *Prophets and Peoples* (New York, 1946), pp. 106-107.

† Adapted from Heinrich von Treitschke, *Deutsche Geschichte im neunzehnten Jahrhundert* (Leipzig, 1897-1904), and *Die Politik*, edited by Max Cornelius (Leipzig, 1899-1900), *passim*.

feeling, the desire to traverse the world-wide realm of ideas in common with the foremost intellects of all nations and all times. All that has at all times been held to be characteristic of the Germans and has always been praised as the essence of German character and breeding.

The simple loyalty of the Germans contrasts remarkably with the unchivalrousness of the English character. This seems to be due to the fact that in England physical culture is sought, not in the exercise of noble arms, but in sports like boxing, swimming, and rowing, sports which undoubtedly have their value, but which obviously tend to encourage a brutal and purely athletic point of view, and the single and superficial ambition of getting a first prize.

On the State

The state is a moral community, which is called upon to educate the human race by positive achievement. Its ultimate object is that a nation should develop in it, a nation distinguished by a real national character. To achieve this state is the highest moral duty for nation and individual alike. All private quarrels must be forgotten when the state is in danger.

At the moment when the state cries out that its very life is at stake, social selfishness must cease and party hatred be hushed. The individual must forget his egoism, and feel that he is a member of the whole body.

The most important possession of a state, its be-all and end-all, is power. He who is not man enough to look this truth in the face should not meddle in politics. The state is not physical power as an end in itself, it is power to protect and promote the higher interests. Power must justify itself by being applied for the greatest good of mankind. It is the highest moral duty of the state to increase its power.

The true greatness of the state is that it links the past with the present and future; consequently, the individual has no right to regard the state as a means for attaining his own ambitions in life. Every extension of the activities of the state is beneficial and wise if it arouses, promotes, and purifies the independence of free and reasoning men; it is evil when it kills and stunts the independence of free men. It is men who make history.

The state does not stand for the whole life of the nation. Its function is essentially protective and administrative. The state does not swallow up everything; it can only influence by external compulsion. It represents the nation from the point of view of power. For in the

state it is not only the great primitive forces of human nature that come into play; the state is the basis of all national life. Briefly, it may be affirmed that a state which is not capable of forming and maintaining an external organization of its civilizing activities deserves to perish.

Only the truly great and powerful states ought to exist. Small states are unable to protect their subjects against external enemies; moreover, they are incapable of producing genuine patriotism or national pride and are sometimes incapable of *Kultur* in great dimensions. Weimar produced a Goethe and a Schiller; still these poets would have been greater had they been citizens of a German national state.

On Monarchy

The will of the state is, in a monarchy, the expression of the will of one man who wears the crown by virtue of the historic right of a certain family; with him the final authority rests. Nothing in a monarchy can be done contrary to the will of the monarch. In a democracy, plurality, the will of the people, expresses the will of the state. A monarchy excels any other form of government, including the democratic, in achieving unity and power in a nation. It is for this reason that monarchy seems so natural, and that it makes such an appeal to the popular understanding. We Germans had an experience of this in the first years of our new empire. How wonderfully the idea of a united Fatherland was embodied for us in the person of the venerable Emperor! How much it meant to us that we could feel once more: "That man is Germany; there is no ginsaying it!"

On War

The idea of perpetual peace is an illusion supported only by those of weak character. It has always been the weary, spiritless, and exhausted ages which have played with the dream of perpetual peace. A thousand touching portraits testify to the sacred power of the love which a righteous war awakes in noble nations. It is altogether impossible that peace be maintained in a world bristling with arms, and even God will see to it that war always recurs as a drastic medicine for the human race. Among great states the greatest political sin and the most contemptible is feebleness. It is the political sin against the Holy Ghost.

War is elevating because the individual disappears before the great

conception of the state. The devotion of the members of a community to each other is nowhere so splendidly conspicuous as in war.

Modern wars are not waged for the sake of goods and chattels. What is at stake is the sublime moral good of national honor, which has something in the nature of unconditional sanctity, and compels the individual to sacrifice himself for it.

On the English

The hypocritical Englishman, with the Bible in one hand and a pipe of opium in the other, possesses no redeeming qualities. The nation was an ancient robber-knight, in full armor, lance in hand, on every one of the world's trade routes.

The English possess a commercial spirit, a love of money which has killed every sentiment of honor and every distinction of right and wrong. English cowardice and sensuality are hidden behind unctuous, theological fine talk which is to us free-thinking German heretics among all the sins of English nature the most repugnant. In England all notions of honor and class prejudices vanish before the power of money, whereas the German nobility has remained poor but chivalrous. That last indispensable bulwark against the brutalization of society—the duel—has gone out of fashion in England and soon disappeared, to be supplanted by the riding whip. This was a triumph of vulgarity. The newspapers, in their accounts of aristocratic weddings, record in exact detail how much each wedding guest has contributed in the form of presents or in cash; even the youth of the nation have turned their sports into a business, and contend for valuable prizes, whereas the German students wrought havoc on their countenances for the sake of a real or imaginary honor.

On Jews

The Jews at one time played a necessary role in German history, because of their ability in the management of money. But now that the Aryans have become accustomed to the idiosyncrasies of finance, the Jews are no longer necessary. The international Jew, hidden in the mask of different nationalities, is a disintegrating influence; he can be of no further use to the world. It is necessary to speak openly about the Jews, undisturbed by the fact that the Jewish press befouls what is purely historical truth.

PART V

The Era of William II

93 **Bismarck's Dismissal, 1890**

The arrogant young monarch, William II, and the elder statesman, Bismarck, found it difficult to work together in harmony. William feared that his Chancellor intended to create a Bismarck dynasty in the person of his son, Herbert, whose career he had assiduously promoted. In foreign policy, Bismarck wanted to renew the Reinsurance Treaty with Russia, while the Emperor desired closer relations with England. On the domestic scene, Bismarck recommended that the Anti-Socialist Laws be made permanent, while William insisted that the disaffection of labor would be removed by remedial measures.

The differences between the Emperor and Chancellor came to a head on a constitutional issue. Bismarck, annoyed by the fact that the Emperor was discussing problems of administration with colleagues without informing him, reminded William of the Cabinet Order of 1852. This latter decree had been enacted as a means of giving the then Minister-President the complete control that was necessary if he were to be responsible for the whole policy of the government. William ordered Bismarck to reverse the decree of 1852. Bismarck refused, on the ground that his position would be degraded by such an action. The Emperor then forced Bismarck's dismissal, although he sought to give it the tone of a resignation.

The first document below reprints the Cabinet Order of 1852; the second contains excerpts from Bismarck's letter of

resignation; the third is the text of the order by which William suspended the Order of 1852.

I The Cabinet Order of 1852 *

I find it imperative that the Minister-President, in order to maintain a more than hitherto general view over the various branches of domestic administration (thus making possible, according to his position, a unity of action), should give me information on all important administrative measures on my demand. For this purpose I have decided on the following procedures:

1. On all important administrative measures, which, according to existing regulations, do not require a preliminary decree of the Ministry of State, the respective department chief must come to an understanding, either orally or in writing, with the Minister-President. The Minister-President may feel free, according to his judgment, to call a consultation in the Ministry of State and, also, may deem it advisable to report on it to me.

2. When the administrative measure is such, according to existing regulations, that it necessitates my approval, then the requisite report must be submitted beforehand to the Minister-President, who, with whatever remarks he cares to make, shall place it before me.

3. If a department chief finds it necessary to obtain an audience with me in a matter of immediate importance, he must inform the Minister-President beforehand in time enough so that the latter, if he finds it necessary, can attend the conference personally. The regular audiences of the War Minister are exempted from this order.

Charlottenburg, September 8, 1852.

FREDERICK WILLIAM
MANTEUFFEL

II Excerpts from Bismarck's Letter of Resignation, March 18, 1890 †

At my respectful audience on the 15th of this month, Your Majesty commanded me to draw up a decree annulling the All-Highest Order

* Adapted from Georg von Eppstein, *Fürst Bismarcks Entlassung* (Berlin, 1920), Note 62.

† Otto von Bismarck, *Gedanken und Erinnerungen* (Stuttgart and Berlin, 1898, 1919), III, 650-654, *passim*.

of September 8, 1852, which regulated the position of the Minister-President vis-à-vis colleagues.

May I, your humble and most obedient servant, make the following statement on the genesis and importance of this order:

There was no need at that time of absolute monarchy for the position of a "President of the State Ministry." For the first time, in the United Landtag of 1847, the efforts of the liberal delegate (Mevisen) led to the designation, based on the constitutional needs of that day, of a "Premier-President," whose task it would be to supervise uniform policies of the responsible ministers and to take over responsibility for the combined political actions of the cabinet. With the year 1848 came constitutional customs into our daily life, and a "President of the State Ministry" was named. . . . The relationship of the State Ministry and its individual members to the new institution of the Minister-President very quickly required a new constitutional regulation, which was effected with approval of the then State Ministry by the order of September 8, 1852. Since then, this order has been decisive in regulating the relationship of the Minister-President and the State Ministry, and it alone gave the Minister-President the authority which enabled him to take over responsibility for the policies of the cabinet, a responsibility demanded by the Landtag as well as public opinion. If each individual minister must receive instructions from the monarch, without previous understandings with his colleagues, it becomes impossible in the cabinet to sustain uniform policies, for which each member can be responsible. There remains for none of the ministers and, especially, for the Minister-President any possibility of bearing constitutional responsibility for the whole policy of the cabinet. . . .

To this time I have never felt the need, in my relationships with my colleagues, to draw upon the order of 1852. Its very existence and the knowledge that I possessed the confidence of their late Majesties, William and Frederick, were enough to assure my authority on my staff. This knowledge exists today neither for my colleagues nor for myself I have been compelled, therefore, to turn back to the order of 1852, in order to assure the necessary uniformity in the service of Your Majesty.

On the aforementioned grounds, I am not in a position to carry out Your Majesty's demand, which would require me to initiate and countersign the suspension of the order of 1852 recently brought up by me, and, despite that, at the same time carry on the presidency of the Ministry of State. . . .

Considering my attachment to service for the monarchy and for

Your Majesty and the long-established relationship which I had believed would exist forever, it is very painful for me to terminate my accustomed relationship to the All Highest and to the political life of the Reich and Prussia, but, after conscientious consideration of the All Highest's intentions, to whose implementation I must always be ready to act, if I am to remain in service, I cannot do other than most humbly request Your Majesty to *grant me an honorable discharge with legal pension from the posts of Reich Chancellor, Minister-President, and Prussian Minister for Foreign Affairs*. . . .

VON BISMARCK

To His Majesty the Emperor and King

III William II's Suspension of the Order of 1852 *

Since the utilization of the order of September 8, 1852, by His late Majesty the King, Frederick William IV, concerning the relationships of the President of my State Ministry and the State Ministry itself, has given rise to doubts, I decree the suspension of this order under the following considerations:

It is the task of the President of my State Ministry to bear the responsibility for the uniform and equal implementation of the basic principles decided by myself as authoritative for the guidance of all administration. In order to fulfill this task, it is imperative that the department chiefs, after previous understanding with the President of my State Ministry, obtain my decision on all matters which diverge from the above-mentioned basic principles, or which are of essential importance. Where there are differences of opinion, both the Minister-President and the department chief are to come to me in common audience. At the same time, I want to clarify my order of May 2, 1889, by noting that, in cases where members of my State Ministry are concerned with changes or the initiation of proposals which reach the parliamentary bodies for debate, the aforementioned obtaining of my decision shall be required only insofar as the point of view represents a divergence from the basic principles approved by me or follows a direction which casts doubt on my interpretation.

WILHELM R.
CAPRIVI

* Cabinet Order of April 14, 1890, quoted in O. Gradenwitz, *Bismarcks letzter Kampf, 1888-1898, Skizzen nach Akten* (Berlin, 1924), p. 114.

94 William II and German Education, 1890

William II was deeply convinced of the superiority of the German "race," its political, military, and cultural accomplishments, its "mission" in civilization, and the divine benevolence accorded its ruling dynasty. He believed that it was necessary to modernize and nationalize the entire system of teaching. The quick industrialization of Germany, he said, demanded that more emphasis be placed upon such modern scientific subjects as chemistry and physics. The following excerpts from one of his speeches indicate this attitude.

William II on Reforming the German System of Education *

The Latin and Greek treatises, which I was forced to learn at school, cost an inconceivable amount of labor and were actually a howling farce, giving pitiable results. . . . Away with this rot! War to the knife against such tuition! This system brings it about that our youth knows the syntax, the grammar, of these ancient languages better than the ancient Greeks knew it themselves; they know by heart every one of those old generals, battles, and orders of battles in the Punic and Mithridatic wars, but are left completely in the dark about the battles of the Seven Years' War, let alone those of the "much too modern" wars of '66, or '70, which, of course, "they haven't had yet." . . .

Government cadet schools and military academies, which are to be preferred to all others, must be devoted to the harmonious cooperation of physical, mental, and religious discipline and development, thus forming character. The graduates of these schools must become educators in the great school of the nation, the Army. The teaching must be altogether nationalistic: German history must be taught in detail so as to awaken in the mind of the pupil the sense of heroism and historic grandeur. The German language, including the study

* Abridged from Wolf von Schierbrand, *The Kaiser's Speeches* (London, 1903), pp. 209-210, 214, 199-200.

of folklore, mythology, and legends of the Germanic race, must be another important subject stressed. The hours of study must be shortened so that more attention can be given to physical training.

Our school system at present [1890] lacks, above all, its national basis. We must use the German language as the foundation for our *Gymnasias*. We want to educate our pupils into young Germans, not young Greeks and Romans. . . .

Social Democracy must be dominated and suppressed by training students how to combat its insidious doctrines. The technical schools, whose mission in the near future will be an extremely important one, must be placed on an equal plane with the universities.

95 The Pan-German League, 1891

In the spring of 1891 the Allgemeiner Deutscher Verband, or Universal German League, was organized under the presidency of Dr. Karl Peters, who had been the most enthusiastic of the early German colonialists. A few years later, the name of the society was changed to Alldeutscher Verein, Pan-German League. The league was dedicated to "a quickening of national sentiment of Germans, in particular to awaken and foster the racial and cultural homogeneity of all sections of the German people." The public was informed that the great wave of enthusiasm which had swept the German people to great heights in 1870-1871 had been displaced by a "certain apathy," and that national feeling had been obliterated by economic interests and social questions. Where other peoples had defended energetically everywhere with success the holy possessions of their "race," Germans, it was said, had consumed their energies in internal party struggles and had grown apathetic in deceptive self-content. "National tasks should not be placed behind our social and economic ones. We must strengthen our national feelings, and bring home to the mass of our people the fact that Germany's development did not end with the year 1871."

The membership of the Pan-German League grew slowly but steadily. In 1894 there were 5,742 members; by 1900 there were 21,361. A strong increase in membership came during the Boer

War, when many Germans sympathized with their "half-brothers." The league appealed to all classes of the population—businessmen, farmers, industrialists, hand-workers, retired army officers, writers, landed proprietors, accountants, librarians, painters, clerks, orchestra leaders, chimney sweeps, and, especially, schoolteachers and university professors. As in other nationalistic societies in Germany—the Society for German Colonization, the East Mark Association, the German Naval Society, the National Security League—the membership was composed mostly of bourgeois and workers, while the executive councils were dominated by the titled nobility and landed proprietors.

As the guardian angel of German nationalism, the Pan-German League took an active part in domestic and foreign affairs of all kinds. It demanded a "world position" for the German Empire; called for rigid Germanization of Poles, Danes, and Alsace-Lorrainers; urged the preservation of the German language and schools in all parts of the world; and, in general, proclaimed bitter opposition to all movements working against national interests. Under its leadership the sponsoring of patriotism and the fostering of the "serve Germanism" ideal became consciously and deliberately a national movement.

The first document below gives an opening excerpt from the constitution of the league. The second gives a list of policies adopted by the league at its 1898 convention.

I Constitution of the Pan-German League *

1. The Pan-German League strives to quicken the national sentiment of all Germans and in particular to awaken and foster the sense of racial and cultural kinship of all sections of the German people.
2. These aims imply that the Pan-German League works for:
 - a) Preservation of the German people in Europe and overseas and its support wherever threatened.
 - b) Settlement of all cultural, educational, and school problems in ways that shall aid the German people.

* *Handbuch des alldeutschen Verbandes* (Munich, 1914), p. 7. Translation in Mildred S. Wertheimer, *The Pan-German League* (New York, Columbia University Press, 1924), p. 95. Reprinted by permission of the Columbia Studies in History, Economics, and Public Law, No. 251.

c) The combating of all forces which check the German national development.

d) An active policy of furthering German interests in the entire world. The league is particularly interested in working for practical results in the German colonial movement.

II Policies of the Pan-German League *

1. Adoption of bill for reorganization of the navy.
2. Laying of a cable from Kiaochow [China] to Port Arthur, with connection with the Russian-Siberian cable.
3. Strengthening of the German foothold in Kiaochow.
4. German coaling and cable stations in the Red Sea, the West Indies, and near Singapore.
5. Complete possession of Samoa.
6. More subsidized German steamship lines to Kiaochow and Korea.
7. Understanding with France, Spain, Portugal, and the Netherlands about the laying of an independent cable from West Africa through the Congo to German East Africa, Madagascar, Batavia, and Tonkin to Kiaochow.
8. Development of harbor of Swakopmund [German Southwest Africa] and railroads to Windhoek [German Southwest Africa].
9. Securing of concessions for commerce and industry in Asia Minor.
10. Raising of the fund for German schools in foreign countries to 500,000 marks [*had been 150,000 marks*], division in foreign office to be created to deal with these schools; creation of pension fund for their teachers; standard German textbooks to be supplied to these schools.
11. Further endowment of the Colonization Commission by 100 million marks, the Polish Commission to be under the general commission.
12. Transference to the west of all officials [*local, etc.*] and military men of Polish race.
13. Guarantee of increase of pay to the German officials in the Polish parts of the East Province.
14. Acquisition of imperial holdings on the French border in

* *Alldeutsche Blätter* (1898), pp. 17 ff. Translation in Wertheimer, *The Pan-German League*, pp. 106-108. Reprinted by permission of the Columbia Studies in History, Economics, and Public Law, No. 251.

Alsace-Lorraine and of Prussian royal holdings on the Danish border in Schleswig.

15. Employment of only German labor in imperial and state possessions and domains.

16. Prohibition of immigration of less worthy elements into the German Empire.

17. Possession of German citizenship by all Germans from the Empire in foreign countries.

18. Taxation of foreign-language-speaking firms, projects, and advertisements.

19. Prohibition of the use of foreign languages in clubs and meetings.

20. Germanization of all foreign place names in the German Empire.

21. Establishment of a German consulate general for Bohemia in a German town in Bohemia.

22. Increase in the number of German commercial consuls in the Levant, Far East, South Africa, Central and South America.

23. Increase in the number of German public libraries in the Eastern provinces, in Schleswig and in Alsace-Lorraine. State and imperial subsidies ought to support them.

24. Setting aside of a sum of money in the colonial office treasury to be used to pay for the attendance of the sons of Germans living in foreign countries at German schools in the Fatherland.

25. A lessening of the obligation to military service of Germans living in foreign lands.

26. Germanization of foreign words in official language:

Gouverneur to *Landeshauptmann*.

Gouvernement to *Landesregierung*.

Kommandant to *Befehlshaber*.

96 The Erfurt Program of the Social Democratic Party, 1891

Despite Bismarck's attempts to destroy the Social Democrats as a political factor in Germany, they grew steadily stronger.

When the Exceptional Laws against the Social Democrats were enacted in 1878, the Social Democratic vote was 437,158; when the laws were withdrawn in 1890 the vote was 1,427,300. This increase occurred despite the fact that fifteen hundred Social Democrats had been condemned to a total of a thousand years of imprisonment.

Before Bismarck's fall in 1890, William II, having decided "to kill Social Democracy with kindness" through paternalistic social reform, issued two imperial rescripts, one declaring it the duty of the state "to secure the economic requirements of the workers, to establish their equality before the law, and to facilitate the free and peaceful expression of their wishes and grievances," and the other calling for an International Conference for the Protection of the Workers.

Encouraged by this attitude, the Social Democrats met at Erfurt, October 14-21, 1891, and issued a party program, extracts from which are given below. The Emperor's liberal spirit vanished quickly. He announced that "for Me every Social Democrat is synonymous with enemy of the nation, and of the Fatherland." In 1894, another bill, the *Umsturz Vorlage* (Subversion Bill), was proposed, making it punishable "to attack publicly, by insulting utterances, religion, the monarchy, family, or property in a manner likely to provoke a breach of the peace, or to bring institutions of the state into contempt." The bill was rejected.

Extracts from the Erfurt Program, October 14-21, 1891 *

. . The Social Democratic party of Germany fights, not for new class privileges and advantages, but for the abolition of class rule and of classes themselves, and for equal rights and duties for all persons regardless of sex and parentage. From this point of view, it fights in the present social order not merely against the exploitation and oppression of the worker but also against every form of exploitation and oppression, whether it be directed against a class, a party, a sex, or a race.

On this basis, the Social Democratic party of Germany makes these initial demands:

* Adapted from F. Salomon, *Die deutschen Parteiprogramme* (Leipzig, 1924), II, 127-129.

1. General, equal, and direct franchise and vote by secret ballot for all balloting and elections for all people of the Reich over the age of twenty years without distinction of sex. Proportional system of voting; and, until the introduction of this form of voting, legal redistribution of voting districts after every census. Two-year legislation period. Voting and polling to take place on a legal holiday. Compensation for elected representatives. Suspension of every limitation of political rights for all citizens, with the exception of those adults legally declared incompetent.

2. Direct legislation through the people by means of the rights of proposal and rejection. Self-determination and self-government by the people in Reich, state, province, and community. Election of administrators by the people. Responsibility and liability of such administrators. Annual approval of budgets.

3. Education for universal military training. A people's army instead of a standing army. Decision for war and peace to be made by representatives of the people. Settlement of all international disputes by amicable arbitration.

4. Abolition of all laws which limit or suppress free expression of opinion and the right of organization and assembly.

5. Abolition of all laws which discriminate against women in public and private legal relations.

6. Declaration of religion as a private matter. Abolition of all expenditures of public funds for ecclesiastical and religious purposes. Ecclesiastical and religious communities are to be regarded as private organizations, which shall handle their own affairs as completely independent bodies.

7. Secularization of the schools. Compulsory attendance at public schools. No fees for instruction, school supplies, and board in public schools, or in the institutions for higher education, for all male and female students whose ability merits further education.

8. No fees for the administration of justice and legal advice. Judgments to be given by judges elected by the people, appeals to be allowed in criminal cases. Compensation for the innocent accused, imprisoned, and condemned persons. Abolition of the death penalty.

9. No fees for medical attention, including maternity cases, and drugs provided free of charge. No fees for burials.

10. A gradually increasing income and property tax to be used for the payment of all public expenditures, insofar as these can be met by taxation. Declaration of income taxes obligatory. Inheritance taxes gradually increased according to the size of the inheritance and the degree of relationship; abolition of all indirect taxes, duties, and

other politico-economic measures which operate to the advantage of the privileged minority against the interests of the community as a whole.

For the protection of the working class the Social Democratic party of Germany makes these initial demands:

1. Practical national and international legislation based on the following:

- a) Establishment of a work day not longer than eight hours.

- b) Prohibition of child labor for those under the age of fourteen years.

- c) Prohibition of night work, with the exception of those industries whose technical nature requires such work or for those industries whose contribution to the common welfare demands night work.

- d) An uninterrupted leisure period of at least thirty-six hours in every week for every worker.

- e) Abolition of the speed-up.

2. Supervision of all industry. Investigation and regulation of working conditions in municipalities and rural districts by a national employment-bureau, district employment-bureaus, and other employment offices. Effective industrial hygiene.

3. Agricultural workers and domestic servants to be placed by law on an equal basis with industrial workers; abolition of regulations for servants.

4. Guarantee of the right of coalition.

5. Assumption of the entire system of workers' insurance by the Reich with the cooperation of workers in its administration.

97 The "Uriah Letter," 1892

The bitterness between William II and Bismarck continued unabated after the Chancellor's fall. Bismarck wrote or inspired many articles for the *Hamburger Nachrichten*, in which he attacked the new regime. In June, 1892, Bismarck decided to go to Vienna to attend the wedding of his son, Herbert, to an Austrian heiress. He requested audience of Francis Joseph and was as-

sured of a welcome. But William II and members of his court were afraid that Bismarck harbored sinister designs and was preparing the way for a return to political power. William wrote to Francis Joseph: "He [Bismarck] is trying with all the art and cunning at his disposal to twist matters so that the world shall believe me to be making advances to him. The chief feature in his schemes is that he has asked you for an audience. I venture, therefore, to beg you not to complicate the situation in my own country by receiving this unruly subject of mine unless he has approached me and said *peccavi*."

Even more insulting was an official dispatch to Vienna, drafted by Fritz von Holstein, the *éminence grise* of the Foreign Office, and signed by General Leo von Caprivi, Bismarck's successor as Chancellor. The communication was addressed to Prince Reuss, the German Ambassador in Vienna. In it Bismarck was officially stigmatized as a person who was not to be granted the honor of an official reception. The so-called "Uriah Letter" follows.

Text of the "Uriah Letter," June 9, 1892 *

Reich Chancellor Caprivi to the Ambassador in Vienna, Prince Reuss.
June 9th.

After an audience with His Majesty, I inform Your Excellency of the following concerning the forthcoming marriage of Count Herbert Bismarck. The rumors of a reconciliation of Prince Bismarck and His Majesty do not take into account the indispensable presumption of a first step upon the part of the Prince. But even if this did take place, the reconciliation could never go so far that public opinion would take it that the Prince had won any kind of influence in the leadership of national affairs. His Majesty requests Your Excellency that, should the Prince or his family make any approach to Your Excellency's house, you limit yourself to the conventional forms, and avoid accepting any invitation to the wedding. His Majesty will not accept any notice of the wedding. You are instructed to inform Count Kálnoky of this fact in whatever manner may seem best to you. These indications as to behavior apply to the staff of the embassy as to yourself.

* *Reichsanzeiger*, July 7, 1892.

98 The Kruger Telegram, 1896

The capitalist-statesman, Cecil Rhodes, the leading protagonist of British interests in South Africa, regarded the Boers as an obstacle in the path of British progress. Opposed to Rhodes was Paul Kruger, the President of the South African Republic, who had the sympathy of the Germans. In 1895, a number of British adventurers, led by a Dr. Jameson, invaded the South African Republic, but were captured by the Boers, who turned them over to the British authorities. News of the collapse of the raid came before Germany could issue an official protest, but the next day, January 3, 1896, William II dispatched a telegram offering his sincere congratulations to President Kruger.

The Emperor's action was loudly applauded in Germany. But although the British government had disapproved the raid, the telegram aroused a storm of resentment in England. Lord Salisbury later (1899) said: "The raid was folly, but the telegram was even more foolish."

The Kruger telegram played an important part in the gradual deterioration of Anglo-German relations. In his memoirs, William II disclaimed responsibility for the telegram, insisting that it had been written in the Foreign Office by Baron Adolf Hermann Marschall von Bieberstein, and that the Chancellor, Prince Chlodwig zu Hohenlohe-Schillingsfürst, had demanded that it be sent. William II insisted that his advisers assume full responsibility for the telegram and its consequences.

Text of the Telegram: William II to Paul Kruger, January 3, 1896 *

I express to you my sincere congratulations that, supported by your people and without calling for help from friendly powers, you have

* *Die grosse Politik der europäischen Kabinette, 1871-1914, Sammlung der Akten des deutschen Auswärtigen Amtes* (Berlin, 1922-1927), XI, 31.

succeeded by your energetic action against armed bands that invaded your country as disturbers of the peace, and have therefore been able to restore peace and safeguard the independence of the country from outside attacks.

WILLIAM I.R.

99 The German Village at the End of the Nineteenth Century

Although Germany had a poor soil, unfavorable climate, and a relatively unfavorable geographical position, she had a flourishing and expanding agriculture before World War I. Bismarck, who understood the importance of agriculture in preserving the health and strength of the nation, did much to promote it, at the same time making certain that the country should not develop into a purely agricultural state.

Despite the generally prosperous conditions, some German critics believed that the nation was losing its old and traditional agricultural character. In the following commentary, Robert Mielke denounced the deterioration of the old, healthy spirit of peasant and village life. Although the picture may be somewhat exaggerated, it indicates how carefully German observers sought to preserve "the old fortress of our national and political life."

Robert Mielke's Commentary on the Decline of the German Village *

The German village existed at the beginning of German history. We do not know much about its early existence; but what little we do know is enough to convince us that its economic, cultural, and political forms appear to be virtues, such as the Roman Tacitus, not

* Adapted from Robert Mielke, *Das Dorf am Ende des 19. Jahrhunderts*, as quoted in Klaudius Bojunga, Anna Hoffa, and Fritz Sandman, *Lebensgut* (Frankfort on Main, 1936), pp. 260-264, *passim*.

village. If the thatched-roof cottage must disappear, then we must accept it and look for other types of roofs. But it is not the form or the material that is important, but rather the feeling for truth and the appropriateness to nature. It should be remembered that in Holland the straw-roof has been retained, and also in England, where the people well understand the importance of reconciling tradition and practical convenience.

With the outward changes in the appearance of our village there has also come a lessening of the feeling among peasants that they are lords of their own soil. The peasants, affected by the drift to the cities, have come to show much more interest in the profit motive.

100 German Naval Legislation, 1900

William II's "New Course" for the German Empire called for a large German navy as a means of solidifying the nation's position as a world power. Enormous publicity was given to his mottoes: "Our future lies on the seas!" and "The trident must pass into our hands!" The German Navy League promoted an active propaganda designed to convince the German people that their rapidly growing merchant marine and world-wide economic interests demanded a powerful fleet.

On April 10, 1898, the Reichstag passed a law fixing the ship establishment of the German navy as one fleet flagship, two squadrons each of eight battleships, and thirty-five cruisers. On June 14, 1900, another bill was passed doubling the size of the battle fleet. To this act was appended a memorandum (from which extracts are reprinted here) justifying the increase and, in fact, openly challenging British control of the seas.

The construction of the German battle fleet went on at so rapid a rate that, within a comparatively short time, Germany had the second largest navy in the world, ranking only below England.

Extracts from the Memorandum Appended to the
German Navy Bill, 1900 *

I. Necessity and Scope of the Increase in the Navy

The German Empire Needs Peace at Sea. For the German Empire of today, the security of its economic development, and especially of its world trade, is a life question. For this purpose the German Empire needs not only peace on land but also peace at sea—not, however, peace at any price, but peace with honor, which satisfies its just requirements.

A naval war for economic interests, particularly for commercial interests, will probably be of long duration, for the aim of a superior opponent will be all the more completely reached the longer the war lasts. To this must be added that a naval war which, after the destruction or shutting-up of the German sea-fighting force, was confined to the blockade of the coasts and the capture of merchant ships, would cost the opponent little; indeed he would, on the contrary, amply cover the expenses of the war by the simultaneous improvement of his own trade.

An unsuccessful naval war of the duration of even only a year would destroy Germany's sea trade, and would thereby bring about the most disastrous conditions, first in her economic, and then, as an immediate consequence of that, in her social life.

Quite apart from the consequences of the possible peace conditions, the destruction of our sea trade during the war could not, even at the close of it, be made good within measurable time, and would thus add to the sacrifices of the war a serious economic depression.

Navy Law [The Navy Act of 1898] *Does Not Yet Make Allowance for the Possibility of a Naval War with a Great Sea-Power.* The Navy Law does not make allowance for the possibility of a naval war with a great naval power, because, when it was drafted in the summer of 1897, the first consideration was to secure the carrying out in modern ship material of the 1873 plan for the founding of the fleet, limiting the increase to the small number of battleships which was necessary to establish, at least for a double squadron, the organization demanded by tactical exigencies.

* Quoted in Archibald Hurd and Henry Castle, *German Sea-Power: Its Rise, Progress and Economic Basis* (London, 1914), pp 346-360, *passim*

The Justificatory Memorandum to the Navy Law left no doubt as to the military significance of the Battle Fleet. It is therein expressly stated:

Against greater sea powers the Battle Fleet would have importance merely as a sortie fleet. . . .

For the Protection of Sea Trade and Colonies There Is Only One Means—a Strong Battle Fleet. To protect Germany's sea trade and colonies in the existing circumstances there is only one means—Germany must have a fleet so strong that even for the adversary with the greatest sea power a war against it would involve such dangers as to imperil his position in the world.

For this purpose it is not absolutely necessary that the German Battle Fleet should be as strong as that of the greatest naval Power, for a great naval Power will not, as a rule, be in a position to concentrate all its striking force against us. But even if it should succeed in meeting us with considerable superiority of strength, the defeat of a strong German Fleet would so substantially weaken the enemy that, in spite of the victory he might have obtained, his own position in the world would no longer be secured by an adequate fleet. . . .

II. Carrying Out of the Increase-Cost-Raising of the Means Necessary Sea Power Should Be Created As Soon As Possible. If the necessity of so strong a fleet is admitted, it will not be possible to contest, that the honor and welfare of the Fatherland pre-emptorily demand, that the home sea power should be brought up to the requisite strength as soon as possible. . . .

In consequence of the urgency of a strengthening of the Navy on the one hand, and of the restriction in the building of big ships through the limitations of the Navy Law on the other, it was imperative that the demand for an increase of the ship establishment should not be postponed till the expiry of the sexennate but should be made now. . . .

1. Only the statutory determination of the increase testifies the firm will to create the fleet. Unless this firm will is brought to indubitable expression, considerable difficulties, both of a personal and material nature, will oppose themselves to the execution of the great plan. . . .

2. The united decision of Federal Council and Reichstag to

double the war fleet, as marked by a statutory determination of the increase, will be of the greatest importance for the prestige of the German name abroad, and so for the entire political and economic development of the German Empire. . . .

101 Björkö: The "Willy-Nicky" Correspondence, 1904–1905

Although he declined to renew the Reinsurance Treaty with Russia in 1890, William II did all in his power to maintain friendly personal relations with Nicholas II. "Willy" and "Nicky" maintained an affectionate correspondence in English for more than two decades preceding 1914. Both monarchs somewhat naively believed that their personal communications would do much to cement the friendship between Germany and Russia at a time when diplomatic relations between the two countries were steadily deteriorating.

William II took advantage of this friendship to negotiate a treaty between Russia and Germany which was little more than a personal understanding between the two monarchs. The stronger-willed of the two, William, virtually extorted the Björkö Treaty from Nicholas. It was stated that "in case one of the two Empires is attacked by a European Power, its ally will come to its aid in Europe with all its land and sea forces." The pact quickly lapsed when Count Sergei Yulievich Witte, the newly appointed Russian Prime Minister, informed Berlin that the alliance was not binding because it did not bear the signature of the Foreign Minister. Actually, the treaty had little or no value because it conflicted with the Franco-Russian alliance of 1891–1894.

The involved negotiations on a personal plane commenced in October, 1904, and lasted until late 1905. The correspondence is too extensive to reprint here in full, but the following extracts show the familiar tone which both monarchs used and which they regarded as decisive in diplomatic affairs.

I Emperor William II to Emperor Nicholas II,
Telegram, October 27, 1904 *

For some time English press has been threatening Germany, on no account to allow coals to be sent to your Baltic Fleet now on its way out. It is not impossible, that the Japanese and British Governments may lodge a joint protest against our coaling your ships coupled with a "*sommation*" to stop further work. The result aimed at by such a threat of war would be the absolute immobility of your fleet and inability to proceed to its destination from want of fuel. This new danger would have to be faced in community by Russia and Germany together, who would both have to remind your ally France of the obligations she has taken over in the treaty of Dual Alliance with you, the *casus foederis*. It is out of the question, that France on such an invitation, would try to shirk her implicit duty towards her ally. Though Delcassé is an Anglophile "*enragé*," he will be wise enough to understand, that the British fleet is utterly unable to save Paris! In this way a powerful combination of 3 of the strongest continental Powers would be formed to attack, whom the Anglo-Japanese group would think twice before acting.

The complaints of England against our coaling Russian ships are all the more frivolous, as England since the beginning of the war—after making a present of two ironclads "*Nikin*" and "*Kasuga*" under British officers and crews to Japan—has constantly supplied the Japanese fleet with their coals, selling them no less than 30 steamers. The naval battles fought by Togo are fought with Cardiff coals. It would of course be much more agreeable for us, if the British were wise and, remembering all this, left us alone and in peace. But never will I for a moment recede before an unjust threat. I am sorry for the mishap of the North Sea. This concerned the fishermen of Hull. If the fleet are afraid of night attacks, I think the use of the searchlights alone would suffice to guard the ships from being surprised, if all the lights are turned on the sectors outside the fleet. But the use of guns—especially in European waters—should be restricted as much as possible. My news from London say, that the Press and mob make a noise, the Admiralty some fuss, but that Government, Court and Society look with greatest calm at the event as an unhappy accident, arising from to [o] great nervousness I have sure news from Italy,

* The draft is in William II's own handwriting in English. *Die grosse Politik der europäischen Kabinette, 1871-1914, Sammlung der Akten des deutschen Auswärtigen Amtes* (Berlin, 1922-1927), XIX (1), No. 6118, pp. 303 ff.

that the "Terni Shipbuilding Trust" are building 3 swift seagoing ironclads of 12,000 tons each for a foreign unnamed Power,—probably Japan—; this reminds me of my former suggestion, that you ought not to forget to order new ships of the line also so as to be ready with some of them, when the war is over. They will be excellent "persuaders" during the Peace negotiations; our private firms would be most glad to receive contracts. I have attached Lamsdorff to your suite and person, as you kindly did with Shebeko for me. I am deeply sensible for your kind appreciation of my action towards you and Russia, and assure, you can always rely on my absolute and faithful loyalty. Best love to Alix.

WILLY

II Emperor Nicholas II to Emperor William II,
October 29, 1904, in English *

[Tsarskoe Selo] 29. October 1904

Your telegram comes at a very serious moment. Of course you know the first details of Northsea incident from our Admiral's telegram. Naturally, it changes completely the character of the event. I have not words to express my indignation with England's conduct. It seems that the continental powers in similar cases, have to confront the danger of her public opinion overwhelming a more reasonable attitude of her Government. The latter has to follow. The Ministers of the country take risky steps and sending shnodering notes with quite unacceptable conditions. That is the consequence of acting on the spur of the moment! To-day I ordered Lamsdorff to send to my London Ambassador a proposition to subject the whole question to an international commission of inquiry as laid down in the Hague-Conference-Protocol. I agree fully with your complaints about England's behaviour concerning the coaling of our ships by German steamers whereas she understands rules of keeping neutrality in her own fashion. It is certainly high time to put a stop to this. The only way as you say would be that Germany, Russia, and France should at once unite upon an arrangement to abolish Anglo-Japanese arrogance and insolence. Would you like to lay down and frame outlines of such a treaty and let me know it? As soon as accepted by us France is bound to join her ally. This combination has often come to my mind. It will mean peace and rest for the world. Best love from Alix.

NICKY

* *Ibid.*, No. 6119.

III Emperor William II to Emperor Nicholas II,
October 30, 1904, in English *

30. X. 1904

Best thanks for telegram. Have sent letter including draft of treaty you wished for, off by Imperial Feldjäger this evening. Heard from private source, that Hull fishermen have already acknowledged, that they have seen foreign steam craft among their boats not belonging to their fishing fleet, which they knew not! So there has been foul play! I think the British Embassy in Petersburg must know these news, which are kept from the British public till now, for fear of "*blamage*." Best love to Alix.

WILLY

IV Final Text of the Björkö Treaty, July 24, 1905 *
(in French, in William II's Handwriting)

Björkö 24/VII 1905 11/VII

Their Majesties, the Emperor of all the Russias and the Emperor of Germany, as a means of maintaining the peace of Europe, have agreed upon the following articles of a treaty of defensive alliance

ARTICLE I. In case one of the two Empires is attacked by a European power, its ally will come to its aid in Europe with all its land and sea forces.

ARTICLE II. The High Contracting Parties agree not to conclude a separate peace with any common opponent

ARTICLE III. The present treaty will come into force from the instant of the conclusion of peace between Russia and Japan, and it may be terminated only by giving a year's previous notice.

ARTICLE IV. After this treaty has gone into effect, the Emperor of all the Russias will take the required steps to make its terms known to France and invite her to subscribe to it as an ally.

WILLIAM I.R.	NICOLAS
VON TSCHIRSCHKY and	A. BIRILEFF
BOGENDORFF	

* *Ibid*, No. 6121.

† *Ibid*, XIX (2), No 6220, Annex, p 465.

102 William II's Visit to Tangier, March 31, 1905: The First Moroccan Crisis

Confronted with the Anglo-French Agreement of 1904, which gave France a free hand in the eastern part of North Africa, and England an exclusive sphere of influence in Egypt and the Sudan, William II and his Chancellor, Bernhard von Bülow, felt that something had to be done to protect Germany's interests there. Bulow waited for a year for M. Théophile Delcassé, the French Minister for Foreign Affairs, to notify Germany formally of the Moroccan agreement. When Delcassé ignored Germany for more than a year, Bülow prevailed upon the Emperor to make a spectacular visit to Tangier on March 31, 1905. William was to recognize the sultan as an independent monarch and demand equal economic privileges for all countries in Morocco.

In England and France the Emperor's visit was regarded as an effort, by a threat of force, to test or break the newly formed Entente Cordiale. The French dismissed Delcassé, who had been responsible for the Anglo-French Agreement and, disturbed by the German "challenge," agreed to an international conference about Morocco. William II protested later that the idea of the visit had been repugnant to him and that he was persuaded against his will to make the visit for the sake of Bülow's Moroccan policy.

Accounts of the visit vary considerably. The following report was submitted by a member of William II's party, Baron William von Schoen, who later became German Secretary of State (1907-1910).

Report by von Schoen, March 31, 1905 *

Gibraltar, March 31, 1905

After surmounting not insignificant technical landing difficulties in Tangier, we were given a very dignified reception at the dock by Moroccan authorities and German colonists. There was a parade through gaily decorated streets with indescribable rejoicing by the natives and the European population; in fine weather a magnificent Oriental picture. In the Embassy, reception of Germans, the diplomatic corps, and the representatives of the Sultan, who, because of his advanced age and the rough condition of the seas, had not been able to come on board.

Conversations of His Majesty, all unimportant, with the exception of the following:

With the French *Chargé d'affaires* at first likewise indifferent. When this person, however, presented the respect and greetings of Delcassé and, so to speak, welcomed His Majesty to Morocco, the response:

The visit of the All Highest means that His Majesty demands free trade for Germany and complete equality of rights with other nations; when Count Chérisey wanted magnanimously to concede this, His Majesty remarked that he would come to an understanding with the Sultan as a free and equal ruler of an independent country, that His Majesty himself would know how to bring all his influence to make valid his rightful claims, and expected that this would be respected also by France. Count Chérisey went pale, wanted to reply, but, prevented by a curt dismissal, he left with his head lowered.

Reception of the Great-Uncle of the Sultan was very formal. The text of the customary platitudes in very colorless conversation, together with the holograph-letter, to be reported by the Legation. His Majesty said orally that he regarded the Sultan as the ruler of a free and independent state, not one subject to foreign suzerainty; he expected the same advantages for German trade and commerce as for those of other industrial nations; he would always deal with the Sultan on a direct basis. The reforms, which the Sultan planned, must always be carried out by honest administration and maintenance of peace and order within the framework of the views and customs of his people and without offense to the teachings of the Koran; that, he

* *Die grosse Politik der europäischen Kabinette, 1871-1914, Sammlung der Akten des deutschen Auswärtigen Amtes* (Berlin, 1922-1927), XX (1), No. 6589, pp 286 ff.

said, would make the best impression abroad. In this matter, the Sultan might well give close attention to the advice of the Notables of his country.

At the Legation His Majesty warmly greeted Menebhi in the presence of MacLean. The acceptance of gifts was skillfully avoided. His Majesty also informed representatives of the German press about the main reasons behind his gracious visit, namely, the desire for equal rights for all nations and maintenance of the integrity and independence of Morocco.

On the whole, the brief visit of His Majesty passed off splendidly without an inopportune event and obviously made a tremendous impression on both Moors and foreigners.

His Majesty was highly satisfied with the visit, especially by the confidential message, conveyed to His Majesty, that the Sultan would undertake no reforms without a previous understanding with the Imperial government.

Our ships, as is the custom of the country, were exceedingly and richly loaded with products of the country.

v. SCHOEN

103 The Schlieffen Plan, 1905

German military strategy at the opening of World War I was based on the Schlieffen Plan of 1905. In 1871, following the Franco-Prussian War, the elder Count Helmuth von Moltke considered the possibility of a two-front war against France and Russia, even though France was exhausted and Russia undeveloped as a fighting power. By 1873 the rapid recovery of France made the issue a vital one; at this time it was agreed by the Great General Staff of the Imperial German Army that the outbreak of war should be followed by an immediate attack on France and a defensive attitude toward Russia. In 1879, after the conclusion of the Dual Alliance with Austria, Moltke reversed the plan to an offensive against Russia and a defensive war against France.

Count Alfred von Schlieffen became Chief of the Great General Staff in 1891 and, at first, retained his predecessor's plan in

principle. But, recognizing that a rapid decision against Russia could no longer be reached because of the unlimited amount of territory over which the Russians could retreat, he decided upon a final plan in 1905 based on these considerations: The Austrians, with slight assistance from Germany, would hold Russia in check while Germany hurled the bulk of her forces against France. Then, after the annihilation of the French armies, Germany would be able to defeat Russia at her leisure.

Count von Schlieffen was dismissed in 1906, during the Moroccan crisis, when he called for a war against France. His plan, however, was adopted in 1914, in slightly modified form, by the younger Moltke. The plan was never published in its entirety. The following account, published in a British army journal, is by far the best available description of the Schlieffen Plan.

Review of the Schlieffen Plan *

. . . All writers have . . . been in accord that Moltke made the left or defensive wing in Alsace and Lorraine stronger than Schlieffen designed, and that he did so at the expense of the right wing, the decisive one, which in swinging round was to sweep the French Armies against the back of their eastern frontier fortresses and against the Swiss frontier. It has been repeated by many German authorities (*e.g.* General Wilhelm Groener) that Schlieffen made the proportion of one wing to the other 1 to 7, whilst Moltke changed it to 1 to 3, but how these figures are arrived at they do not reveal. According to General Groener in *Das Testament des Grafen Schlieffen*, the deployment of the troops against France in the 1905 plan and in 1914 were, omitting Landwehr and Ersatz troops, for sieges and L. of C. purposes:

1905	1914	Army
11 corps	8 corps	} First and Second
7 Reserve corps	5 Reserve corps	
(line just south of Namur)		
6 corps	6 corps	} Third and Fourth
$\frac{1}{2}$ Reserve corps	3 Reserve corps	
(line through Mézières)		

* *The Army Quarterly*, London (July, 1929), 18 (2) :286-290.

1905	1914	Army
8 corps	3 corps	} Fifth
5 Reserve corps	2 Reserve corps	
(line through Verdun and Metz)		
3 corps	4 corps	} Sixth
1 Reserve corps	1 Reserve corps	
(line through Strasbourg)		
<i>nil</i>	2 corps	} Seventh
	1 Reserve corps	
<hr/> 41½ (total)	<hr/> 35 (total)	

Schlieffen detailed 10 divisions for the Eastern front; Moltke, 8. Moltke, still less Schlieffen, never had the number of corps and divisions which the Schlieffen plan assumed to exist—the latter's plan was only a "project." But, taking the above figures: In Schlieffen's plan the defensive wing is to the offensive as 4 to 37½ (1 to 9⅜), in Moltke's 8 to 27 (1 to 3⅜); but Schlieffen's with the forces available in 1914, would have been 4 to 31 (1 to 7⅜).

It has been left to Dr. Bredt, a member of the Reichstag and of the Parliamentary Committee of Enquiry into the loss of the war, to tell what was the real nature of the plan, how Moltke altered it, and why he did so (J. V. Bredt, *Die Belgische Neutralität und der Schlieffen'sche Feldzugplan*). His work, which shows a wide acquaintance with war literature, purports to contain portions of the Schlieffen plan of which the public had not yet heard, and which fully justify the reproach that Moltke changed it for the worse, much the worse, but not in the way hitherto imagined. Dr. Bredt, however, points out that Ludendorff was head of the Operations Section of the Great General Staff in 1908-09, at the time of the vital alterations, and from what we know of the First Quartermaster's ruthless methods and ignorance of the world, he probably had more to do with the changes than his courtier chief. Dr. Bredt recalls, what most of us have forgotten, if we ever knew, that in the January, 1909, number of the *Deutsche Revue* Graf Schlieffen anonymously protested against the changes—it was, of course, surmised who wrote the article, and it is now included in his works. . . .

The reasons for strengthening the left wing are given by Dr. Bredt as follows: Moltke could not abandon Alsace, as Schlieffen designed to do, for the Italians might take part on the German side; General Pollio, the Italian Chief of Staff until his death in 1914, had assured

him they would. As they were to be brought to Alsace, Moltke considered it necessary to hold that province with two corps. If the Italians did not appear, then the question of the transport of the two corps to the right wing would arise. As we know, the French attack towards Mülhausen fatally delayed this. These two corps, plus the two corps sent from France to Russia, would, if added to the right wing, have made it as strong as Schlieffen intended.

It emerges incidentally that the Schlieffen plan was worked out for war on the Western front only; for when drawn up, Russia was still very weak as a result of the Manchurian War. It also contemplated additions to the army that did not take place. There was only a general statement that in the case of Russia intervening, ten divisions should be withdrawn from the Western front and sent to the East, without altering the proportion of the two wings.

More important than the changes in the technical details was the alteration of the plan politically. In the Schlieffen plan "there was no ultimatum to Belgium, but the German army, without any notification, was first to deploy on the Dutch-Belgian frontier." As the German plan would be divulged by this, it was assumed that the French would take counter measures. These, according to Schlieffen's views, could only be the occupation of the natural defensive position in the Meuse valley south of Namur; and thus the French would themselves violate Belgian neutrality. Such a plan must have been at least considered by the French, and in 1914 the German General Staff took it for granted that they would advance to the Meuse. All this presumed that Belgian neutrality would not be broken by Germany first. Such a step Graf Schlieffen desired, if possible, to avoid. He wished to leave sufficient time so that, in one way or another, the German statesmen would be able to evade the reproach of the violation of Belgian neutrality. "That Liège would always be captured sufficiently soon after the entry of the German army into Belgium, to serve as the railway junction for reinforcements and supply, could be accepted."

This was all changed in the deployment plan of the mobilization year 1908-09, by which Liège was to be captured by a *coup de main*, without artillery preparation, during the mobilization. . . .

There was, Dr. Bredt points out, a further reason in favour of the idea of a *coup de main* against Liège. The German deployment as imagined by Schlieffen would stretch as far north as Crefeld, that is, along the Dutch frontier.

"Schlieffen did not consider it out of the question, in view of the then [1905] political situation, as he judged it, that German diplomacy

might succeed on the outbreak of war against England in obtaining from the Netherlands Government by an amicable arrangement (*auf gütlichem Wege*) permission for the German army to cross the Dutch province of Limburg (Maastrich, Roermond). By this means the fortress of Liége would be avoided by passing north of it, and could quickly be brought to surrender by threatening it in the rear."

Moltke did not believe that Holland would give permission to traverse her territory, and dropped the idea of an advance of the German right wing by this route. On the other hand he feared that Liége could not be taken quickly enough by an accelerated artillery attack to prevent a delay in the general advance of the right wing. It was most important not to give the Belgians time to put the fortress in a state of defence, and in particular to construct defences in the intervals between the forts and destroy the important railways passing through Liége. It also appeared to him that it was impossible to march an army between Liége and the Dutch frontier. He therefore decided to take Liége by a *coup de main* carried out by troops of the peace establishment without mobilization immediately on outbreak of war. "Two days and the following night were allowed for the execution of the *coup de main*."

104 The Daily Telegraph Interview, 1908

In the late fall of 1907, when William II was paying a few weeks' visit to his English friend Colonel Stuart-Wortley, the owner of Highcliffe Castle, he told his host of all he had done for England and how he had been misunderstood there. When he saw the British army officer again, during the military maneuvers in Alsace in September, 1908, at a time when Anglo-German relations were at a low ebb, he expressed his "personal desire that the utmost possible publicity should be given in England to Anglophile views held by himself and his house." Colonel Stuart-Wortley convinced the Kaiser that the best approach to the problem was to publish an interview in the *Daily Telegraph* in an attempt to pacify the British press and British public opinion. Then Stuart-Wortley, using the Kaiser's statements, composed

a rough draft of an interview with an unspecified interlocutor. With the help of an expert journalist, E. Harold Spender, then on the staff of the London *Daily News*, Stuart-Wortley edited the interview into final form, and, on September 23d, submitted it to the Kaiser. "No one will ever know the source from which the communiqué came," he assured William.

William pronounced the article a faithful report of what he had said. Then began an extraordinary comedy of errors as the interview went through channels to the pressroom of the *Daily Telegraph*. The Kaiser sent it to Chancellor von Bülow, with instructions that Bulow was to read it, "suggest any desirable alterations on the margin of the existing English text," and then send it back to him, not through the Foreign Office, "keeping it a secret from as many others as is at all possible."

Chancellor von Bulow, at his home at Norderney, on the shore of the North Sea, was not tempted to interrupt his vacation and read another hackneyed "Kaiser-speech." He sent it off to Berlin with the superscription, "*Confidential*," and the instruction, "*Revise carefully*," on the margin. In Berlin it was opened by the deputizing Undersecretary Stemrich, who took care not to read the typescript, but passed it on, instead, to Privy Councilor Klehmet. The latter, a conscientious bureaucrat, read the typescript, and, at first, felt "very dubious about the advisability of its publication." But, reasoned Klehmet, who was he to stand in the way of the Kaiser's expressed wish "when the Chancellor on his side has conveyed no sense of uneasiness"? Klehmet corrected two important misstatements and suggested several changes in diction.

Back went the interview to Herr Stemrich, who signed his name without reading the typescript. Thence it went back to Norderney, where Bülow gave it a cursory glance and signed it as it stood with Klehmet's corrections, which he described as "alterations which strike me as desirable." When the typescript reached Berlin, it was marked "*Urgent*" by the Secretary of State, who "had no time to take cognizance of the contents." Then, the interview went back to Bülow, who remarked that he had just seen it himself, then to the Kaiser, then to his English friend, Stuart-Wortley—and, finally, to the *Daily Telegraph*.

The publication of this interview was an incredible mistake that raised a storm of protest in both England and Germany and

nearly led to the Kaiser's abdication. While appearing to present himself as a lover of peace, the Kaiser, through his own words, presented the case for German expansion. His anxiety to allay British fears over Germany's Big Navy plans was expressed in a characteristic blending of distorted historical fact and offensive flattery.

Text of the Interview, October 28, 1908 *

We have received the following communication from a source of such unimpeachable authority that we can without hesitation comment on the obvious message which it conveys to the attention of the public.

Discretion is the first and last quality requisite in a diplomatist, and should still be observed by those who, like myself, have long passed from public into private life. Yet moments sometimes occur in the history of nations when a calculated indiscretion proves of the highest public service, and it is for that reason that I have decided to make known the substance of a lengthy conversation which it is my privilege to have had with his Majesty the German Emperor. I do so in the hope that it may help to remove that obstinate misconception of the character of the Kaiser's feelings toward England which, I fear, is deeply rooted in the Englishman's breast. It is the Emperor's sincere wish that it should be eradicated. He has given repeated proofs of his desire by word and deed. But, to speak frankly, his patience is sorely tried, now that he finds himself so continually misrepresented, and has so often experienced the mortification of finding that any momentary improvement of relations is followed by renewed outbursts of prejudice, and a prompt return to the old attitude of suspicion.

As I have said, his Majesty honoured me with a long conversation, and spoke with impulsive and unusual frankness. "You English," he said, "are mad, mad, mad as March hares. What has come over you that you are so completely given over to suspicions quite unworthy of a great nation? What more can I do than I have done? I declared with all the emphasis at my command, in my speech at Guildhall, that my heart is set upon peace, and that it is one of my dearest wishes to live on the best of terms with England. Have I ever been false to my word? Falsehood and prevarication are alien to my nature.

* *Daily Telegraph*, London, October 28, 1908.

My actions ought to speak for themselves, but you listen not to them but to those who misinterpret and distort them. That is a personal insult which I feel and resent. To be forever misjudged, to have my repeated offers of friendship weighed and scrutinized with jealous, mistrustful eyes, taxes my patience severely. I have said time after time that I am a friend of England, and your Press—or, at least, a considerable section of it—bids the people of England refuse my proffered hand, and insinuates that the other holds a dagger. How can I convince a nation against its will?

"I repeat," continued his Majesty, "that I am the friend of England, but you make things difficult for me. My task is not of the easiest. The prevailing sentiment among large sections of the middle and lower classes of my own people is not friendly to England. I am, therefore, so to speak, in a minority in my own land, but it is a minority of the best elements as it is in England with respect to Germany. That is another reason why I resent your refusal to accept my pledged word that I am the friend of England. I strive without ceasing to improve relations, and you retort that I am your arch-enemy. You make it hard for me. Why is it?"

Thereupon I ventured to remind his Majesty that not England alone, but the whole of Europe had viewed with disapproval the recent action of Germany in allowing the German consul to return from Tangier to Fez, and in anticipating the joint action of France and Spain by suggesting to the Powers that the time had come in Europe to recognize Muley Hafid as the new Sultan of Morocco.

His Majesty made a gesture of impatience. "Yes," he said, "that is an excellent example of the way in which German action is misrepresented. First, then, as regards to the journey of Dr. Vassel. The German Government, in sending Dr. Vassel back to his post at Fez, was only guided by the wish that he should look after the private interests of German subjects in that city, who cried for help and protection after the long absence of a Consular representative. And why not send him? Are those who charge Germany with having stolen a march on the other Powers aware that the French Consular representative had already been in Fez for several months before Dr. Vassel set out? Then, as to the recognition of Muley Hafid. The Press of Europe has complained with much acerbity that Germany ought not to have suggested his recognition until he had notified Europe of his full acceptance of the Act of Algeciras, as being binding upon him as Sultan of Morocco and successor of his brother. My answer is that Muley Hafid notified the Powers to that effect weeks ago, before the decisive battle was fought. He sent, as far back as the middle of last

July, an intentional communication to the Governments of Germany, France, and Great Britain, containing an explicit acknowledgment that he was prepared to recognize all the obligations towards Europe which were incurred by Abdul Aziz during his Sultanate. The German Government interpreted that communication as a final and authoritative expression of Muley Hafid's intentions, and therefore they considered that there was no reason to wait until he had sent a second communication, before recognizing him as the *de facto* Sultan of Morocco, who had succeeded to his brother's throne by right of victory in the field."

I suggested to his Majesty that an important and influential section of the German Press had placed a very different interpretation upon the action of the German Government, and, in fact, had given it their effusive approbation precisely because they saw in it a strong act instead of mere words, and a decisive indication that Germany was once more about to intervene in the shaping of events in Morocco "There are mischief-makers," replied the Emperor, "in both countries I will not attempt to weigh their relative capacity for misrepresentation. But the facts are as I have stated. There has been nothing in Germany's recent action with regard to Morocco which runs contrary to the explicit declaration of my love of peace, which I made both at Guildhall and in my latest speech at Strasbourg."

His Majesty then reverted to the subject uppermost in his mind—his proved friendship for England. "I have referred," he said, "to the speeches in which I have done all that a Sovereign can to proclaim my good will. But, as actions speak louder than words, let me also refer to my acts. It is commonly believed in England that throughout the South African War Germany was hostile to her. German opinion undoubtedly was hostile—bitterly hostile. But what of official Germany? Let my critics ask themselves what brought to a sudden stop, and, indeed, to absolute collapse, the European tour of the Boer delegates, who were striving to obtain European intervention? They were feted in Holland, France gave them a rapturous welcome. They wished to come to Berlin, where the German people would have crowned them with flowers. But when they asked me to receive them—I refused. The agitation immediately died away, and the delegation returned empty-handed. Was that, I ask, the action of a secret enemy?"

"Again, when the struggle was at its height, the German Government was invited by the Governments of France and Russia to join with them in calling upon England to put an end to the war. The moment had come, they said, not only to save the Boer Republics, but also to humiliate England to the dust. What was my reply? I said

that so far from Germany joining in any concerted European action to put pressure upon England and bring about her downfall, Germany would always keep aloof from politics that could bring her into complications with a Sea Power like England. Posterity will one day read the exact terms of the telegram—now in the archives of Windsor Castle—in which I informed the Sovereign of England of the answer I had returned to the Powers which then sought to compass her fall. Englishmen who now insult me by doubting my word should know what were my actions in the hour of their adversity.

“Nor was that all. Just at the time of your Black Week, in the December of 1899, when disasters followed one another in rapid succession, I received a letter from Queen Victoria, my revered grandmother, written in sorrow and affliction, and bearing manifest traces of the anxieties which were preying upon her mind and health. I at once returned a sympathetic reply. Nay, I did more. I bade one of my officers procure for me as exact an account as he could obtain of the number of combatants in South Africa on both sides, and of the actual position of the opposing forces. With the figures before me, I worked out what I considered to be the best plan of campaign under the circumstances, and submitted it to my General Staff for their criticism. Then I dispatched it to England, and that document, likewise, is among the State papers at Windsor Castle, awaiting the severely impartial verdict of history. And, as a matter of curious coincidence, let me add that the plan which I formulated ran very much on the same lines as that which was actually adopted by Lord Roberts, and carried by him into successful operation. Was that, I repeat, the act of one who wished England ill? Let Englishmen be just and say!

“But, you will say, what of the German Navy? Surely, that is a menace to England! Against whom but England are my squadrons being prepared? If England is not in the minds of those Germans who are bent on creating a powerful fleet, why is Germany asked to consent to such new and heavy burdens of taxation? My answer is clear. Germany is a young and growing Empire. She has a world-wide commerce, which is rapidly expanding, and to which the legitimate ambition of patriotic Germans refuses to assign any bounds. Germany must have a powerful fleet to protect that commerce, and her manifold interests in even the most distant seas. She expects those interests to go on growing, and she must be able to champion them manfully in any quarter of the globe. Germany looks ahead. Her horizons stretch far away. She must be prepared for any eventualities in the Far East. Who can foresee what may take place in the Pacific in the days to come, days not so distant as some believe, but days, at any

rate, for which all European Powers with Far Eastern interests ought steadily to prepare? Look at the accomplished rise of Japan; think of the possible national awakening of China; and then judge of the vast problems of the Pacific. Only those Powers which have great navies will be listened to with respect, when the future of the Pacific comes to be solved; and, if for that reason only, Germany must have a powerful fleet. It may even be that England herself will be glad that Germany has a fleet when they speak together on the same side in the great debates of the future."

Such was the purport of the Emperor's conversation. He spoke with all the earnestness which marks his manner when speaking on deeply pondered subjects. I would ask my fellow-countrymen who value the cause of peace to weigh what I have written, and to revise, if necessary, their estimate of the Kaiser and his friendship for England by his Majesty's own words. If they had enjoyed the privilege, which was mine, of hearing them spoken, they would doubt no longer either his Majesty's firm desire to live on the best of terms with England or his growing impatience at the persistent mistrust with which his offer of friendship is too often received.

105 The Zabern Affair, 1913

In the spring of 1913 occurred an incident in the little town of Zabern in Alsace which revealed in dramatic fashion the difficulties of Germanizing the area. At the same time it showed the deep-rooted antagonism between Prussian militarism and German liberalism. On the street of the small garrison town, a young German lieutenant struck a local shoemaker with his sword when the latter refused to make way for him on the sidewalk. Several additional incidents took place between the inhabitants and the military, as a result of which the Army made an issue of the affair by declaring a state of siege and imprisoning respectable citizens.

The Zabern affair was a tempest in a teapot which aroused much amusement abroad, but in Germany it was taken seriously. The Reichstag reacted violently when the government sustained

the military in the dispute. On December 3, 1913, Chancellor Theobald von Bethmann-Hollweg appeared before the Reichstag to explain the incident. His report emphasized the provocative conduct of the people of Zabern rather than the lieutenant's arrogant and arbitrary behavior.

The officer was sentenced to house arrest for six days for using the word "screwballs" in describing Alsatian natives. The reputation of Prussian militarism was somewhat tarnished by this incident.

**Extracts from the Speech of the Imperial Chancellor,
von Bethmann-Hollweg, Before the Reichstag, December 3, 1913 ***

Gentlemen:

According to the results of the official inquiry, the events in Zabern took place as follows. Beforehand, I should like to say that, at the close of my remarks, the Minister of War will speak to you.

During a training hour, Lieutenant von Forstner instructed a recruit how he should handle himself in the event that he were attacked. In view of the many serious and sad occurrences of the last years, the Lieutenant was quite right in making this the subject of his instruction. On this occasion, he said that, in certain cases of attack the defender would be rewarded with a prize in money, which was made higher by a noncommissioned officer present. This setting up of a money premium was, of course, improper. During his instruction, the Lieutenant called the man a "screwball" [*Wackes*]. At the same time, the Lieutenant, in the training hour with the recruit, warned him about enlisting in the Foreign Legion. That was his good right. However, he used a thoroughly improper expression when he spoke about service in the Foreign Legion. The press report—and this press report was repeated today before the Reichstag by one of the previous speakers—that the Lieutenant had insulted the French colors, is, according to the results of the investigation, incorrect. Since this judgment has been contradicted from certain quarters, and since it is necessary to clear up this point, the investigation has been reopened, but has not yet been completed. Insults against an army, which has borne arms in combat honorably for more than forty years, will not be tolerated, of course, in the Germany Army. Finally, in his instruction hour, the Lieutenant on three occasions referred to the Alsations

* *Stenographische Berichte über die Verhandlungen des Reichstages, 1913-1914, CCXCI, pp. 6155-6158.*

as "screwballs." By command of a noncommissioned officer a recruit was required to report to an officer with the expression: "I am a screwball." The officer and the noncommissioned officer were tried and punished for the admitted improprieties.

Gentlemen: I have sketched these early developments briefly, because they were, in the final analysis, the source of what eventually took place. Neither I nor the Minister of War want to excuse anything or keep anything secret. But what lay behind these early developments? Improper behavior of a young officer inside military barracks. Unpleasant, but certainly not world-shaking. The later developments stand in no relationship to the relative unimportance of the beginning of the thing. It is significant that the *Matin* was among the first to bring up the matter. Through articles in the local press, excitement was aroused in Zabern and then spread from there. The Alsatian people felt themselves to be insulted by use of the word "screwball." It has been said that there was a willful public affront to the people. There is, of course, no question of that, considering the circumstances, which I have related, under which the word was used. . . .

The use of the word "screwball" is now forbidden in military places, and, in agreement with the Minister of War, I can express the expectation that, after the present events and experiences, the word will not be used again by our troops to describe the Alsations.

The Alsatian deputies have been very sensitive about my use of the word "screwball." But I believe that I am not imposing too much on the gentlemen when I suggest that the Alsations should not be more sensitive than other branches of our people. . . .

In addition, according to the official reports of the Corps Headquarters, upon which I now draw, the following took place:

On November 9th, when Lieutenant von Forstner, as patrol officer, walked through the streets, crowds gathered, and children threw stones at him. On the afternoon of the same day, a howling mob gathered before the barracks. The crowd threw stones at the two-man escort which accompanied Lieutenant von Forstner to his quarters.

On November 10th, several hundred persons, chiefly young people, screamed and yelled at officers on the main street.

On November 26th, several officers who were near the Schlossplatz were surrounded and insulted by workers, navvies, and youngsters. Two of the hooters were arrested by military police and turned over to the civil police.

On November 28th, during the officers' physical training hour in the city gymnasium, a crowd assembled at the Canal Bridge. When the officers came out, they were jeered and insulted by the mob. A

worker about eighteen years old cursed Lieutenant von Forstner. He was arrested. That was, without doubt, legally justified. Thereupon, people assembled upon the main street up to the Canal Bridge, howling and hooting. Two officers, who were going home from barracks and had to pass through the main street, were surrounded and insulted. Then the regimental commander, in order to protect the officers from further insults, sent Lieutenant Schadt with a detail to force the crowd to the Schlossplatz and to clear it. . . . The clearance required several more patrols, which arrested some thirty persons, including undoubtedly some innocent bystanders, and kept them in the cellar of the barracks until noon of the next day. . . .

As far as the matter can be proved to the present time, there was no legal warrant, since these were not on-the-spot arrests, in which case the people would have had to be turned over to the civil authorities immediately. Gentlemen: The military acted in this fashion because the organs of civil security were not working and gave no protection or rather no sufficient protection. The civil authorities of Zabern dispute this strongly. . . .

The military authorities have always and justly believed that they cannot allow such insults as were directed against them, especially in this affair in which there was not a single incident but a whole chain of similar occurrences. Whether laws have been broken or whether monetary indemnity is forthcoming according to civil law, that must be left to the judiciary. Nevertheless, I beg you gentlemen not to forget, in this serious and in many respects very sad incident, that the Army has the right to protect itself against direct attack. It not only has the right to do this, it has the duty. Otherwise, no army in the world could continue to exist. . . .

Gentlemen. It seems to me completely wrong to regard the regrettable occurrences in Zabern, not in its special light, but as an expression of the deep-rooted general opposition between civil and military authority. I have described the incident objectively. It grew out of an occurrence taking place in a relatively small place, from offensive words in barracks, from infantile insults on the streets, from a continuing action and reaction. It is not characteristic of general conditions among us, nor must a general difference between military and civil authority in the Reich be blamed as a cause for the discrepancies in Zabern.

Gentlemen: I believe, even though the events of the past have been so unhappy, that we should not cling to the past, but, instead, we should look to the future. For the future it is important, above all, that conditions among the people of Zabern, where the excitement

originally arose, be brought back to normal, so that incidents such as the present one, in which a healthy cooperation between public authorities did not take place, do not occur again. For this purpose there must be a lasting contact between the military and the civil authorities; there must be a re-establishment of good relations between the military and the people, as exists generally throughout Germany and as until recently has existed in Zabern.

Gentlemen: Provincial and military authorities are working together to this end. A general has been sent to Zabern to take the necessary actions from the military side. A press dispatch yesterday claiming that he had been sent back to Strasbourg is false; his mission is not yet completed. It is, however, thoroughly necessary—and I express this earnest hope—that the Alsatian people support the efforts of the authorities; otherwise, these efforts cannot achieve their end. And I trust that the Alsatian people, even if they have become deeply excited by this incident, will work together with the authorities to achieve this aim. It is precisely because of this excitement that I have taken the trouble to explain the matter objectively. I have given the facts objectively and considered them without emotion.

I said on Monday: The force of public authority and the authority of laws must both be protected. I stand by that statement now.

106 German Industrial Conditions Before 1914

At the middle of the nineteenth century, Great Britain was the manufacturer, carrier, merchant, and banker of the world. Her colonial empire was first in size and importance, her industry highly advanced, and her navy was dominant on the seas. Some two thirds of the world's shipping was under the British flag; two thirds of the coal production of the world was British; all areas of the world contributed to Britain's wealth through her vast commerce.

Germany, on the other hand, had been left impoverished by the Napoleonic Wars. National unification and the change to a policy of economic protection helped bring Germany's rise as a powerful rival to Britain in the markets of the world. Her strategic

position in central Europe made her logically the leader in Continental trade, and her great coastal cities, especially Hamburg and Bremen, were excellent ports of entry for imports. German efficiency and scientific genius, as well as the paternalism of the German government toward industry, were additional factors in the tremendous upsurge of German economic power. The late start in industrialization gave her further advantage, in that her industries could be equipped at the outset with the most modern machinery.

In 1910, a British historian, of German background, J. Ellis Barker (originally named O. Eltzbacher), published a study of German industrial conditions based on a large number of official and other German publications. This study, indicating the rapidity with which Germany was overtaking Great Britain in the struggle for world economic power, caused great concern among the British.

Account by J. Ellis Barker *

Germany introduced Protection in 1879. Let us compare German and British industrial conditions, taking as starting-point 1880, wherever the figures for that year are available.

The great productive industries are four in number—mining, manufacturing, agriculture, trade. Germany, like Great Britain, mines principally coal and iron ore. The production of these has progressed as follows in the two countries, according to the Statistical Abstract for Foreign Countries (Cd. 5446):

PRODUCTION OF COAL AND LIGNITE

	<i>In Germany</i> Tons	<i>In Great Britain</i> Tons
1880	59,118,000	146,969,000
1890	89,291,000	181,614,000
1900	149,788,000	225,181,000
1909	217,433,000	263,774,000

* J. Ellis Barker, *Modern Germany, Its Rise, Growth, Downfall and Future*, 6th ed. (New York, 1919), pp. 276–282, *passim*. By permission of E. P. Dutton and Company.

PRODUCTION OF IRON ORE

	<i>In Germany</i> Tons	<i>In Great Britain</i> Tons
1880	7,239,000	18,026,000
1890	11,406,000	13,781,000
1900	18,964,000	14,028,000
1909	25,505,000	14,980,000

In 1880 Great Britain produced 150 per cent. *more* coal and 160 per cent. *more* iron ore than Germany. Things have changed since then. In 1909 Great Britain produced 60 per cent. *less* iron ore than Germany, and her superiority in the production of coal had shrunk to a paltry 20 per cent., and threatens to be a thing of the past in a few years. On balance, Great Britain exported 60,000,000 tons of coal a year, while Germany exported only 10,000,000 tons. Hence it appears that Germany had overtaken Great Britain in the consumption of coal. In value Germany's mining production had, according to the Statistical Abstract for Foreign Countries, increased as follows:

	£
1880	18,775,000
1890	36,282,000
1900	63,162,000
1909	97,393,000

In value Germany's mining production had grown fivefold during the twenty-nine years under review.

As the manufacturing industries are based on the use of coal, iron, and steam, the manufacturing eminence and progress of a country can best be measured by the national consumption of coal and iron, and by the power of its steam engines. As regards the consumption of coal and iron, Germany and Great Britain compare as follows:

CONSUMPTION OF COAL AND LIGNITE

	<i>In Germany</i> Tons	<i>In Great Britain</i> Tons
1880	57,008,000	129,078,000
1890	90,798,000	152,876,000
1900	149,804,000	179,083,000
1907	208,195,000	195,466,000
1909	206,321,000	198,080,000

PRODUCTION OF PIG IRON

	<i>In Germany</i> Tons	<i>In Great Britain</i> Tons
1880	2,713,000	7,749,233
1890	4,651,000	7,904,214
1900	8,507,000	8,959,691
1907	12,875,000	10,114,000
1909	12,645,000	9,532,000

CONSUMPTION OF PIG IRON

	<i>In Germany</i> Tons	<i>In Great Britain</i> Tons
1880	2,713,000	6,176,673
1890	4,940,000	6,824,925
1900	9,106,000	7,705,201
1907	13,016,000	8,273,000
1909	12,308,000	8,501,000

In 1880 Great Britain consumed 72,000,000 tons of coal *more* than Germany. In 1909 she consumed 8,000,000 tons of coal *less* than Germany. In 1880 Great Britain produced 5,000,000 tons of pig iron *more* than Germany. In 1909 she produced 3,100,000 tons *less* than Germany. In 1880 Great Britain consumed 3,500,000 tons of iron *more* than Germany. In 1909 she consumed 3,800,000 *less* than Germany. As the German people use much wood for fuel, and require besides less coal for their closed stoves than Englishmen do for their open fires, the difference in Germany's favour is far greater than appears from the foregoing figures.

Whilst, since the introduction of Protection, Germany's coal consumption has quadrupled, and her iron consumption has quintupled, the power of her engines has increased even more rapidly, as the figures for Prussia and Bavaria show:

HORSE POWER OF STATIONARY STEAM ENGINES

<i>In Prussia</i>		<i>In Bavaria</i>	
1879	887,780	1879	70,678
1895	2,358,175	1889	124,680
1909	5,768,010	1908	428,253
1910	5,837,782	1910	?

Since the introduction of Protection the engine-power of Germany has grown no less than sevenfold. Unfortunately, economic science, as distinguished from barren economic theory, has been very greatly neglected in this country. Hence no statistics of steam engines similar to those published in Germany are available for Great Britain, and we are spared a comparison which probably would be exceedingly humiliating. The figures given show that the engine-power of Germany has increased enormously since the introduction of Protection, and as her new machines are better, and therefore more productive, than her old ones, and do not stand idle, we are justified in assuming that the industrial production of Germany has grown at least sixfold during thirty years of Protection. . . .

During the thirty years under review, when the productivity of her mines and the output of her manufacturing industries have grown about sevenfold, the rural industries of Germany have not decayed or stood still. On the contrary, her soil produced in 1910 twice the quantity of bread corn, oats, and potatoes, and five times the quantity of sugar, which it produced before the introduction of Protection. During the same period British agriculture has rapidly decayed, "owing to industrial prosperity," as the Free Traders tell us, and all British crops, from wheat to hops, have shrunk most lamentably, and have caused millions of British acres to be deserted by the plough and to revert to grass. . . .

It is worth noting that, according to the international statistics published in the Year-Book of the United States Department of Agriculture for 1908, Germany produces one-third of the world's potato crop. It is estimated that this enormous crop is used as follows:

12,000,000 tons	for human food.
17,600,000 "	for fodder.
2,500,000 "	for making spirit.
1,400,000 "	for making starch.
5,200,000 "	for seed.
5,000,000 "	for loss and waste.
<hr/>	
Total	43,700,000

The British potato crop amounted in 1907 to 5,223,973 tons. The whole of the United Kingdom produced, therefore, merely as many potatoes as Germany used every year for seed alone. According to the American statistics, Germany produces one-sixth of the world's sugar. She raises yearly from 12,000,000 tons to 15,000,000 tons of sugar beef, which furnish 2,000,000 tons of sugar and 10,000,000 tons of

fodder, which, like the bulk of the potato harvest, is converted into pig meat. Germany's 22,000,000 pigs are merely a by-product of her intensive agriculture.

As all trade is exchange, the greatness of a nation's trade cannot fairly be measured by its foreign trade alone, as Free Traders do, especially as the home trade is far more important than is the foreign trade, both in Great Britain and in Germany. Free Traders never tire of assuring us that Protection makes production dear, that it thus hampers the sale of domestic manufactures in foreign markets, and "destroys" the export trade. Since 1879 the exportation of German manufactures has increased as follows:

1880	83,500,000
1890	107,440,000
1900	149,100,000
1910	239,800,000

The foregoing figures prove that Germany's foreign trade also is exceedingly prosperous and rapidly expanding. During the period 1880-1910, when Germany's manufactured exports have increased by no less than 200 per cent, the manufactured exports of Great Britain have increased by only 70 per cent.

The statistics given prove that in all the productive industries, in mining, manufacture, agriculture, and commerce, Germany's progress is stupendous, that Germany has overtaken Great Britain in industrial production, although England is still supreme in cotton and shipping; and it stands to reason that the German people must have fully participated in this enormous expansion of national wealth production and consequent prosperity. . . .

107 The "Blank Check," July 6, 1914

The assassination of Archduke Francis Ferdinand, heir to the Hapsburg throne, and his wife on June 28, 1914, at Sarajevo, capital of Bosnia, by a young Bosnian patriot, evoked a chorus of condemnation throughout the world. In Austria and Germany, the deed was regarded as a Slavic challenge to the Teutonic world.

Count Leopold von Berchtold, the Austrian Foreign Minister, was determined to settle the issue once and for all time, even to the extent of going to war to end the Serbian menace, but, fearful that Russia might intervene, he realized that he must obtain German support. Accordingly, he drew up a letter for the Emperor Francis Joseph to sign and send to William II for the purpose of convincing both monarchs of Serbia's responsibility for the Sarajevo crime.

On July 6th, William II and his Imperial Chancellor, Theobald von Bethmann-Hollweg, informed Berchtold that Austria could count on Germany's standing behind her in her dealings with Serbia. The original telegram drafted by Zimmermann, the Acting Foreign Secretary, had said in the last sentence, "His Majesty will under all circumstances faithfully stand by Austria-Hungary," but the German Chancellor cautiously omitted the words "under all circumstances."

Berchtold, who regarded this telegram as a "blank check" from Germany, decided to push matters in the direction of war. The charge has been made against William II that his telegram was an important factor in the outbreak of World War I. This is perhaps true as far as a possible Austro-Serbian war was concerned. The Emperor could not believe that the Tsar would countenance an assassination of royalty.

Telegram from the Imperial Chancellor, von Bethmann-Hollweg,
to the German Ambassador at Vienna, Tschirschky, July 6, 1914 *

Berlin, July 6, 1914

*Confidential. For Your Excellency's
personal information and guidance*

The Austro-Hungarian Ambassador yesterday delivered to the Emperor a confidential personal letter from the Emperor Francis Joseph, which depicts the present situation from the Austro-Hungarian point of view, and describes the measures which Vienna has in view. A copy is now being forwarded to Your Excellency.

I replied to Count Szögyény today on behalf of His Majesty that

* *Kautsky Documents, Die deutschen Dokumente zum Kriegausbruch*, edited by Karl Kautsky, Graf Max Montgelas, and Prof. Walther Schucking (Berlin, 1919), translated by the Carnegie Endowment for International Peace, No. 15 Reprinted by permission of the Carnegie Endowment for International Peace.

HIS Majesty sends his thanks to the Emperor Francis Joseph for his letter and would soon answer it personally. In the meantime His Majesty desires to say that he is not blind to the danger which threatens Austria-Hungary and thus the Triple Alliance as a result of the Russian and Serbian Pan-Slavic agitation. Even though His Majesty is known to feel no unqualified confidence in Bulgaria and her ruler, and naturally inclines more toward our old ally Rumania and her Hohenzollern prince, yet he quite understands that the Emperor Francis Joseph, in view of the attitude of Rumania and of the danger of a new Balkan alliance aimed directly at the Danube Monarchy, is anxious to bring about an understanding between Bulgaria and the Triple Alliance. His Majesty will, therefore, direct his minister at Sofia to lend the Austro-Hungarian representative such support as he may desire in any action taken to this end. His Majesty will, furthermore, make an effort at Bucharest, according to the wishes of the Emperor Francis Joseph, to influence King Carol to the fulfillment of the duties of his alliance, to the renunciation of Serbia, and to the suppression of the Rumanian agitations directed against Austria-Hungary.

Finally, as far as concerns Serbia, His Majesty, of course, cannot interfere in the dispute now going on between Austria-Hungary and that country, as it is a matter not within his competence. The Emperor Francis Joseph may, however, rest assured that His Majesty will faithfully stand by Austria-Hungary, as is required by the obligations of his alliance and of his ancient friendship.

BETHMANN-HOLLWEG

108 Austrian Ultimatum and Serbian Answer, July 23-25, 1914

Shortly after the outbreak of World War I, the participating governments, anxious to convince the world of their respective innocence in causing the events directly leading to conflict, issued collections of documents bringing together the official correspondence relating to the outbreak of war. The British published their diplomatic correspondence in a Blue Book, the French

issued a Yellow Book, the Russians an Orange Book, the Belgians a Grey Book, the Serbians a Blue Book, the Austro-Hungarians a Red Book, and the Germans a White Book.

Generally, each "colored" book gave what was said to be authentic records of events in the ten days from July 23d to August 1st. The German White Book gave Germany's reasons for the war with Russia. It was subtitled: "How Russia and Her Ruler Betrayed German Confidence and Thereby Made the European War."

On July 23, 1914, Count Leopold von Berchtold, the Austrian Foreign Minister, dispatched an ultimatum to Serbia, containing ten harsh demands requiring Serbia to express formal disapproval of any anti-Austrian propaganda and activities, and, in the enforcement of certain of these measures, to allow the participation of Austrian officials. Serbia was directed to reply within forty-eight hours. Serbia's answer, delivered a few minutes before six on the afternoon of the 25th, was conciliatory in tone, accepting the demands of the ultimatum short of that referring to the collaboration of Austrian officials. The latter demand, said the Serbians, was a violation of Serbia's sovereignty.

The following excerpts from the German White Book present the German case on the exchange of notes between Austria-Hungary and Serbia. Note that the text of the German reply presents the German case in italics.

Text of the German White Book, July 23-25, 1914 *

Foreign Office,
Berlin, August, 1914

On June 28th the Austro-Hungarian successor to the throne, Archduke Franz Ferdinand, and his wife, the Duchess of Hohenberg, were assassinated by a member of a band of Serbian conspirators. The investigation of the crime through the Austro-Hungarian authorities has yielded the fact that the conspiracy against the life of the Archduke and successor to the throne was prepared and abetted in Belgrade with the co-operation of Serbian officials, and executed with arms from the Serbian State arsenal. This crime must have opened the

* *The German White Book: The Only Authorized Translation* (Berlin, 1914), pp. 405-423, *passim*.

eyes of the entire civilised world, not only in regard to the aims of the Serbian policies directed against the conservation and integrity of the Austro-Hungarian monarchy, but also concerning the criminal means which the Pan-Serb propaganda in Serbia had no hesitation in employing for the achievement of these aims.

The goal of these policies was the gradual revolutionizing and final separation of the south-easterly districts from the Austro-Hungarian monarchy and their union with Serbia. This direction of Serbia's policy has not been altered in the least in spite of the repeated and solemn declarations of Serbia in which it vouchsafed a change in these policies towards Austria-Hungary as well as the cultivation of good and neighbourly relations.

In this manner for the third time in the course of the last 6 years Serbia has led Europe to the brink of a world-war.

It could only do this because it believed itself supported in its intentions by Russia.

Russia, soon after the events brought about by the Turkish revolution of 1908, endeavoured to found a union of the Balkan states under Russian patronage and directed against the existence of Turkey. This union which succeeded in 1911 in driving out Turkey from a greater part of her European possessions, collapsed over the question of the distribution of spoils. The Russian policies were not dismayed over this failure. According to the idea of the Russian statesmen a new Balkan union under Russian patronage should be called into existence, headed no longer against Turkey, now dislodged from the Balkans, but against the existence of the Austro-Hungarian monarchy. It was the idea that Serbia should cede to Bulgaria those parts of Macedonia which it had received during the last Balkan war, in exchange for Bosnia and the Herzegovina which were to be taken from Austria. To oblige Bulgaria to fall in with this plan it was to be isolated, Roumania attached to Russia with the aid of French propaganda, and Serbia promised Bosnia and the Herzegovina.

Under these circumstances it was clear to Austria that it was not compatible with the dignity and the spirit of self-preservation of the monarchy to view idly any longer this agitation across the border. The Imperial and Royal Government apprised Germany of this conception and asked for our opinion. With all our heart we were able to agree with our ally's estimate of the situation, and assured him that any action considered necessary to end the movement in Serbia directed against the conservation of the monarchy would meet with our approval.

We were perfectly aware that a possible warlike attitude of Austria-

Hungary against Serbia might bring Russia upon the field, and that it might therefore involve us in a war, in accordance with our duty as allies. We could not, however, in these vital interests of Austria-Hungary, which were at stake, advise our ally to take a yielding attitude not compatible with his dignity, nor deny him our assistance in these trying days. We could do this all the less as our own interests were menaced through the continued Serb agitation. If the Serbs continued with the aid of Russia and France to menace the existence of Austria-Hungary, the gradual collapse of Austria and the subjection of all the Slavs under one Russian sceptre would be the consequence, thus making untenable the position of the Teutonic race in Central Europe. A morally weakened Austria under the pressure of Russian Pan-Slavism would be no longer an ally on whom we could count and in whom we could have confidence, as we must be able to have, in view of the ever more menacing attitude of our easterly and westerly neighbours. We, therefore, permitted Austria a completely free hand in her action towards Serbia, but have not participated in her preparations.

Austria chose the method of presenting to the Serbian Government a note, in which the direct connection between the murder at Sarajevo and the Pan-Serb movement, as not only countenanced but actively supported by the Serbian Government, was explained, and in which a complete cessation of this agitation, as well as a punishment of the guilty, was requested. At the same time Austria-Hungary demanded as necessary guarantee for the accomplishment of her desire the participation of some Austrian officials in the preliminary examination on Serbian territory and the final dissolution of the Pan-Serb societies agitating against Austria-Hungary. The Imperial and Royal Government gave a period of 48 hours for the unconditional acceptance of its demands.

The Serbian Government started the mobilisation of its army one day after the transmission of the Austro-Hungarian note.

As after the stipulated date the Serbian Government rendered a reply which, though complying in some points with the conditions of Austria-Hungary, yet showed in all essentials the endeavour through procrastination and new negotiations to escape from the just demands of the monarchy, the latter discontinued her diplomatic relations with Serbia without indulging in further negotiations or accepting further Serbian assurances, whose value, to its loss, she had sufficiently experienced.

From this moment Austria was in fact in a state of war with Serbia, which it proclaimed officially on the 28th of July by declaring war.

From the beginning of the conflict we assumed the position that there were here concerned the affairs of Austria *alone*, which it would have to settle with Serbia. We therefore directed our efforts toward the localising of the war, and toward convincing the other powers that Austria-Hungary had to appeal to arms in justifiable self-defence, forced upon her by the conditions. We emphatically took the position that no civilized country possessed the right to stay the arm of Austria in this struggle with barbarism and political crime, and to shield the Serbians against their just punishment. In this sense we instructed our representatives with the foreign powers. . . .

THE ORIGINAL TELEGRAMS AND NOTES

The Note of Austria-Hungary to Serbia Presented July 23rd in Belgrade [The Ultimatum]

On March 31st, 1909, the Royal Serbian Minister to the Court of Vienna made the following statement, by order of his Government:—

Serbia declares that she is not affected in her rights by the situation established in Bosnia, and that she will therefore adapt herself to the decisions which the Powers are going to arrive at in reference to Art. 25 of the Berlin Treaty. By following the councils of the Powers, Serbia binds herself to cease the attitude of protest and resistance which she has assumed since last October, relative to the annexation, and she binds herself further to change the direction of her present policies towards Austria-Hungary, and, in the future, to live with the latter in friendly and neighbourly relations.

The history of the last years, and especially the painful events of June 28th, have demonstrated the existence of a subversive movement in Serbia whose aim it is to separate certain territories from the Austro-Hungarian monarchy. This movement, which developed under the eyes of the Serbian Government, has found expression subsequently beyond the territory of the kingdom, in acts of terrorism, a series of assassinations and murders.

Far from fulfilling the formal obligations contained in the declaration of March 31st, 1909, the Royal Serbian Government has done nothing to suppress this movement. She suffered the criminal doings of the various societies and associations directed against the monarchy, the unbridled language of the Press, the glorification of the originators of assassinations, the participation of officers and officials in sub-

versive intrigues, she suffered the unwholesome propaganda in public education, and lastly permitted all manifestations which would mislead the Serbian people into hatred of the monarchy and into contempt for its institutions.

This sufferance of which the Royal Serbian Government made itself guilty, has lasted up to the moment in which the events of June 28th demonstrated to the entire world the ghastly consequences of such sufferance.

It becomes plain from the evidence and confessions of the criminal authors of the outrage of June 28th, that the murder at Sarajevo was conceived in Belgrade, that the murderers received the arms and bombs with which they were equipped, from Serbian officers and officials who belonged to the Narodna Odbrana, and that, lastly, the transportation of the criminals and their arms to Bosnia was arranged and carried out by leading Serbian frontier officials.

The cited results of the investigation do not permit the Imperial and Royal Government to observe any longer the attitude of waiting, which it has assumed for years towards those agitations which have their centre in Belgrade, and which from there radiate into the territory of the monarchy. These results, on the contrary, impose upon the Imperial and Royal Government the duty to terminate intrigues which constitute a permanent menace for the peace of the monarchy.

In order to obtain this purpose, the Imperial and Royal Government is forced to demand official assurance from the Serbian Government that it condemns the propaganda directed against Austria-Hungary, *i.e.*, the entirety of the machinations whose aim it is to separate parts from the monarchy which belong to it, and that she binds herself to suppress with all means this criminal and terrorising propaganda

In order to give to these obligations a solemn character, the Royal Serbian Government will publish on the first page of its official organ of July 26th, 1914, the following declaration:—

The Royal Serbian Government condemns the propaganda directed against Austria-Hungary, *i.e.*, the entirety of those machinations whose aim it is to separate from the Austro-Hungarian monarchy territories belonging thereto, and she regrets sincerely the ghastly consequences of these criminal actions.

The Royal Serbian Government regrets that Serbian officers and officials have participated in the propaganda, cited above, and have thus threatened the friendly and neighbourly

relations which the Royal Government was solemnly bound to cultivate by its declaration of March 31st, 1909.

The Royal Government, which disapproves and rejects every thought or every attempt at influencing the destinations of the inhabitants of any part of Austria-Hungary, considers it its duty to call most emphatically to the attention of its officers and officials, and of the entire population of the kingdom, that it will henceforward proceed with the utmost severity against any persons guilty of similar actions, to prevent and suppress which it will make every effort.

This explanation is to be brought simultaneously to the cognisance of the Royal Army through an order of H.M. the King, and it is to be published in the official organ of the Army.

The Royal Serbian Government binds itself, in addition, as follows:

1. to suppress any publication which fosters hatred of, and contempt for, the Austro-Hungarian monarchy, and whose general tendency is directed against the latter's territorial integrity;
2. to proceed at once with the dissolution of the society Narodna Odbrana, to confiscate their entire means of propaganda, and to proceed in the same manner against the other societies and associations in Serbia which occupy themselves with the propaganda against Austria-Hungary. The Royal Government will take the necessary measures, so that the dissolved societies may not continue their activities under another name or in another form;
3. without delay to eliminate from the public instruction in Serbia, so far as the corps of instructors, as well as the means of instruction are concerned, that which serves, or may serve, to foster the propaganda against Austria-Hungary;
4. to remove from military service and the administration in general all officers and officials who are guilty of propaganda against Austria-Hungary, and whose names, with a communication of the material which the Imperial and Royal Government possesses against them, the Imperial and Royal Government reserves the right to communicate to the Royal Government;
5. to consent that in Serbia officials of the Imperial and Royal Government co-operate in the suppression of a move-

3. The bombs are hand grenades, manufactured at the arsenal of the Serbian Army in Kragujevac.

4. To insure the success of the assassination, Milan Ciganowic instructed Princip Gabrinowic in the use of the grenades and gave instructions in shooting with Browning pistols to Princip Grabez in a forest near the target practice field of Topshider—(outside Belgrade).

5. In order to enable the crossing of the frontier of Bosnia and Herzegovina by Princip Gabrinowic and Grabez, and the smuggling of their arms, a secret system of transportation was organised by Ciganowic. The entry of the criminals with their arms into Bosnia and Herzegovina was effected by the frontier captains of Shabatz (Rade Popowic) and of Loznica, as well as by the custom house official Rudivoy Grbic of Loznica with the aid of several other persons.

The Serbian Answer

Presented at Vienna, July 25th, 1914

(With Austria's commentaries [*in italics*])

The Royal Government has received the communication of the Imperial and Royal Government of the 23rd inst. and is convinced that its reply will dissipate any misunderstanding which threatens to destroy the friendly and neighbourly relations between the Austrian monarchy and the kingdom of Serbia.

The Royal Government is conscious that nowhere have there been renewed protests against the great neighbourly monarchy like those which at one time were expressed in the Skuptschina, as well as in the declaration and actions of the responsible representatives of the state at that time, and which were terminated by the Serbian declaration of March 31st, 1909; furthermore that since that time neither the different corporations of the kingdom, nor the officials have made an attempt to alter the political and judicial condition created in Bosnia and the Herzegovina. The Royal Government states that the I. and R. Government has made no protestation in this sense excepting in the case of a textbook, in regard to which the I. and R. Government has received an entirely satisfactory explanation. Serbia has given during the time of the Balkan crisis in numerous cases evidence of her pacific and moderate policy, and it is only owing to Serbia and the sacrifices which she has brought in the interest of the peace of Europe that this peace has been preserved.

The Royal Serbian Government limits itself to establishing that since the declaration of March 31st, 1909, there has been no attempt on the part of the Serbian Government to alter the position of Bosnia and the Herzegovina.

With this she deliberately shifts the foundation of our note, as we have not insisted that she and her officials have undertaken anything official in this direction. Our gravamen is that in spite of the obligation assumed in the cited note, she has omitted to suppress the movement directed against the territorial integrity of the monarchy.

Her obligation consisted in changing her attitude and the entire direction of her policies, and in entering into friendly and neighbourly relations with the Austro-Hungarian monarchy, and not only not to interfere with the possession of Bosnia.

The Royal Government cannot be made responsible for expressions of a private character, as for instance newspaper articles and the peaceable work of societies, expressions which are of very common appearance in other countries, and which ordinarily are not under the control of the state. This, all the less, as the Royal Government has shown great courtesy in the solution of a whole series of questions which have arisen between Serbia and Austria-Hungary, whereby it has succeeded to solve the greater number thereof, in favour of the progress of both countries.

The assertion of the Royal Serbian Government that the expressions of the press and the activity of Serbian associations possess a private character and thus escape governmental control, stands in full contrast with the institutions of modern states and even the most liberal of press and society laws, which nearly everywhere subject the press and the societies to a certain control of the state. This is also provided for by the Serbian institutions. The rebuke against the Serbian Government consists in the fact that it has totally omitted to supervise its press and its societies, in so far as it knew their direction to be hostile to the monarchy.

The Royal Government was therefore painfully surprised by the assertions that citizens of Serbia had participated in the preparations of the outrage in Sarajevo. The Government expected to be invited to co-operate in the investigation of the crime, and it was ready, in order to prove its complete correctness, to proceed against all persons in regard to whom it would receive information.

This assertion is incorrect. The Serbian Government was accurately informed about the suspicion resting upon quite definite personalities and not only in the position, but also obliged by its own laws to

institute investigations spontaneously. The Serbian Government has done nothing in this direction.

According to the wishes of the I. and R. Government, the Royal Government is prepared to surrender to the court, without regard to position and rank, every Serbian citizen for whose participation in the crime of Sarajevo it should have received proof. It binds itself particularly on the first page of the official organ of the 26th of July to publish the following enunciation:

The Royal Serbian Government condemns every propaganda which should be directed against Austria-Hungary, *i.e.*, the entirety of such activities as aim towards the separation of certain territories from the Austro-Hungarian monarchy, and it regrets sincerely the lamentable consequences of these criminal machinations.

The Austrian demand reads:

The Royal Serbian Government condemns the propaganda against Austria-Hungary. . . .

The alteration of the declaration as demanded by us, which has been made by the Royal Serbian Government, is meant to imply that a propaganda directed against Austria-Hungary does not exist, and that it is not aware of such. This formula is insincere, and the Serbian Government reserves itself the subterfuge for later occasions that it had not disavowed by this declaration the existing propaganda, nor recognised the same as hostile to the monarchy, whence it could deduce further that it is not obliged to suppress in the future a propaganda similar to the present one.

The Royal Government regrets that according to a communication of the I. and R. Government certain Serbian officers and functionaries have participated in the propaganda just referred to, and that these have therefore endangered the amicable relations for the observation of which the Royal Government had solemnly obliged itself through the declaration of March 31st, 1909.

The Government . . . identical with the demanded text.

The formula as demanded by Austria reads:

The Royal Government regrets that Serbian officers and functionaries . . . have participated. . . .

Also with this formula and the further addition "according to the declaration of the I. and R. Government," the Serbian Government pursues the object, already indicated above, to preserve a free hand for the future.

The Royal Government binds itself further:

1. During the next regular meeting of the Skuptschina to embody in the press laws a clause, to wit, that the incitement to hatred of, and contempt for, the monarchy is to be most severely punished, as well as every publication whose general tendency is directed against the territorial integrity of Austria-Hungary.

It binds itself in view of the coming revision of the constitution to embody an amendment into Art. 22 of the constitutional law which permits the confiscation of such publications as is at present impossible according to the clear definition of Art. 22 of the constitution.

Austria had demanded:

1. *To suppress every publication which incites to hatred and contempt for the monarchy, and whose tendency is directed against the territorial integrity of the monarchy.*

We wanted to bring about the obligation for Serbia to take care that such attacks of the press would cease in the future.

Instead Serbia offers to pass certain laws which are meant as means toward this end, viz.:

(a) *A law according to which the expressions of the press hostile to the Monarchy can be individually punished, a matter which is immaterial to us, all the more so, as the individual prosecution of press intrigues is very rarely possible and as, with a lax enforcement of such laws, the few cases of this nature would not be punished. The proposition, therefore, does not meet our demand in any way, and it offers not the least guarantee for the desired success.*

(b) *An amendment to Art. 22 of the constitution, which would permit confiscation, a proposal which does not satisfy us, as the existence of such a law in Serbia is of no use to us. For we want the obligation of the Government to enforce it and that has not been promised us.*

These proposals are therefore entirely unsatisfactory and evasive as we are not told within what time these laws will be passed, and as in the event of the not passing of these laws by the Skuptschina

everything would remain as it is, excepting the event of a possible resignation of the Government

2. The Government possesses no proofs and the note of the I. and R. Government does not submit them that the society Narodna Odbrana and other similar societies have committed, up to the present, any criminal actions of this manner through any one of their members. Notwithstanding this, the Royal Government will accept the demand of the I. and R. Government and dissolve the society Narodna Odbrana, as well as every society which should act against Austria-Hungary.

The propaganda of the Narodna Odbrana and affiliated societies hostile to the monarchy fills the entire public life of Serbia; it is therefore an entirely unacceptable reserve if the Serbian Government asserts that it knows nothing about it. Aside from this, our demand is not completely fulfilled, as we have asked besides:

To confiscate the means of propaganda of these societies to prevent the reformation of the dissolved societies under another name and in another form.

In these two directions the Belgrade Cabinet is perfectly silent, so that through this semi-concession there is offered us no guarantee for putting an end to the agitation of the associations hostile to the Monarchy, especially the Narodna Odbrana.

3. The Royal Serbian Government binds itself without delay to eliminate from the public instruction in Serbia anything which might further the propaganda directed against Austria-Hungary provided the I. and R. Government furnishes actual proofs.

Also in this case the Serbian Government first demands proofs for a propaganda hostile to the Monarchy in the public instruction of Serbia while it must know that the textbooks introduced in the Serbian schools contain objectionable matter in this direction and that a large portion of the teachers are in the camp of the Narodna Odbrana and affiliated societies.

Furthermore the Serbian Government has not fulfilled a part of our demands, as we have requested, as it omitted in its text the addition desired by us: "as far as the body of instructors is concerned, as well as the means of instruction"—a sentence which shows clearly where the propaganda hostile to the Monarchy is to be found in the Serbian schools.

4. The Royal Government is also ready to dismiss those officers and officials from the military and civil services in regard to whom it

has been proved by judicial investigation that they have been guilty of actions against the territorial integrity of the Monarchy; it expects that the I. and R. Government communicate to it for the purpose of starting the investigation the names of these officers and officials, and the facts with which they have been charged.

By promising the dismissal from the military and civil services of those officers and officials who are found guilty by judicial procedure, the Serbian Government limits its assent to those cases, in which these persons have been charged with a crime according to the statutory code. As, however, we demand the removal of such officers and officials as indulge in a propaganda hostile to the Monarchy, which is generally not punishable in Serbia, our demands have not been fulfilled in this point.

5 The Royal Government confesses that it is not clear about the sense and the scope of that demand of the I. and R. Government which concerns the obligation on the part of the Royal Serbian Government to permit the co-operation of officials of the I. and R. Government on Serbian territory, but it declares that it is willing to accept every co-operation which does not run counter to international law and criminal law, as well as to the friendly and neighbourly relations.

The international law, as well as the criminal law, has nothing to do with this question; it is purely a matter of the nature of state police which is to be solved by way of a special agreement. The reserved attitude of Serbia is therefore incomprehensible and on account of its vague general form it would lead to unbridgable difficulties.

6. The Royal Government considers it its duty as a matter of course to begin an investigation against all those persons who have participated in the outrage of June 28th and who are in its territory. As far as the co-operation in this investigation of specially delegated officials of the I. and R. Government is concerned, this cannot be accepted, as this is a violation of the constitution and of criminal procedure. Yet in some cases the result of the investigation might be communicated to the Austro-Hungarian officials.

The Austrian demand was clear and unmistakable:—

1. *To institute a criminal procedure against the participants in the outrage.*
2. *Participation by I. and R. Government officials in the examinations ("Recherche" in contrast with "enquête judiciaire").*
3. *It did not occur to us to let I. and R. Government officials participate in the Serbian court procedure; they were to co-operate only in the police researches which had to furnish and fix the material for the investigation.*

If the Serbian Government misunderstands us here, this is done deliberately, for it must be familiar with the difference between "enquête judiciaire" and simple police researches. As it desired to escape from every control of the investigation which would yield, if correctly carried out, highly undesirable results for it, and as it possesses no means to refuse in a plausible manner the co-operation of our officials (precedents for such police intervention exist in great numbers) it tries to justify its refusal by showing up our demands as impossible.

7. The Royal Government has ordered on the evening of the day on which the note was received the arrest of Major Voislav Tankosic. However, as far as Milan Ciganowic is concerned, who is a citizen of the Austro-Hungarian Monarchy and who has been employed till June 28th with the Railroad Department, it has as yet been impossible to locate him, wherefore a warrant has been issued against him.

The I. and R. Government is asked to make known, as soon as possible, for the purpose of conducting the investigation, the existing grounds for suspicion and the proofs of guilt, obtained in the investigation at Sarajevo.

This reply is disingenuous. According to our investigation, Ciganowic, by order of the police prefect in Belgrade, left three days after the outrage for Ribari, after it had become known that Ciganowic had participated in the outrage. In the first place, it is therefore incorrect that Ciganowic left the Serbian service on June 28th. In the second place, we add that the prefect of police at Belgrade, who had himself caused the departure of this Ciganowic and who knew his whereabouts, declared in an interview that a man by the name of Milan Ciganowic did not exist in Belgrade.

8. The Serbian Government will amplify and render more severe the existing measures against the suppression of smuggling of arms and explosives.

It is a matter of course that it will proceed at once against, and punish severely, those officials of the frontier service on the line Shabatz-Loznica who violated their duty and who have permitted the perpetrators of the crime to cross the frontier.

9. The Royal Government is ready to give explanations about the expressions which its officials in Serbia and abroad have made in interviews after the outrage and which, according to the assertion of the I. and R. Government, were hostile to the Monarchy. As soon as the I. and R. Government points out in detail where those expressions were made and succeeds in proving that those expressions have actu-

ally been made by the functionaries concerned, the Royal Government itself will take care that the necessary evidences and proofs are collected therefore.

The Royal Serbian Government must be aware of the interviews in question. If it demands of the I. and R. Government that it should furnish all kinds of detail about the said interviews and if it reserves for itself the right of a formal investigation, it shows that it is not its intention seriously to fulfil the demand.

10. The Royal Government will notify the I. and R. Government, so far as this has not been already done by the present note, of the execution of the measures in question as soon as one of those measures has been ordered and put into execution.

The Royal Serbian Government believes it to be to the common interest not to rush the solution of this affair and it is therefore, in case the I. and R. Government should not consider itself satisfied with this answer, ready, as ever, to accept a peaceable solution, be it by referring the decision of this question to the International Court at the Hague or by leaving it to the decision of the Great Powers who have participated in the working out of the declaration given by the Serbian Government on March 31st, 1909.

The Serbian Note, therefore, is entirely a play for time.

109 The Pledge Plan, July 28, 1914

On July 28th, William II read the text of the Serbian reply, whose conciliatory and yielding tone impressed him so much that he noted on the document: "A brilliant performance for a time limit of only forty-eight hours. This is more than one could have expected; but with it every reason for war drops away. . . ." He, thereupon, wrote to Gottlieb von Jagow, his Secretary of State: "I propose that we say to Austria: Serbia has been forced to retreat in a very humiliating manner, and we offer our congratulations; naturally, as a result, *no more cause for war exists*; but a *guarantee* that the promises *will be carried out* is probably necessary; that could be secured by a *temporary* military occupa-

tion of a portion of Serbia, similar to the way we left troops in France in 1871 until the billions were paid. *On this basis* I am ready to *mediate for peace* with Austria. . . . Submit a proposal to me, along the lines sketched out, to be communicated to Vienna." *

The following telegram from Bethmann-Hollweg to Baron von Tschirschky was the outcome of the Kaiser's suggestion. At last, William II was ready to yield to England's request that he act as mediator and advise Vienna to abandon its warlike policy. Before the proposal could be communicated to Austria, the latter had declared war on Serbia. It was not until sixty hours after receipt of the telegram that Austria replied to William's "pledge plan."

Telegram from the Imperial Chancellor, von Bethmann-Hollweg,
to the German Ambassador at Vienna, Tschirschky, July 28, 1914 †

Telegram 174
Urgent

Berlin, July 28, 1914

The Austro-Hungarian government has distinctly informed Russia that it is not considering any territorial acquisitions in Serbia. This agrees with Your Excellency's report to the effect that neither the Austrian nor the Hungarian statesmen consider the increase of the Slavic element in the monarchy to be desirable. On the other hand, the Austro-Hungarian government has left us in the dark concerning its intentions, despite repeated interrogations. The reply of the Serbian government to the Austrian ultimatum, which has now been received, makes it clear that Serbia has agreed to the Austrian demands to so great an extent that, in case of a completely uncompromising attitude on the part of the Austro-Hungarian government, it will become necessary to reckon upon the gradual defection from its cause of public opinion throughout all Europe.

According to the statements of the Austrian General Staff, an active military movement against Serbia will not be possible before the 12th

* *Kautsky Documents, Die deutschen Dokumente zum Kriegsausbruch*, edited by Karl Kautsky, Graf Max Montgelas, and Prof. Walther Schücking (Berlin, 1919), translated by the Carnegie Endowment for International Peace, No. 293. Reprinted by permission of the Carnegie Endowment for International Peace.

† *Kautsky Documents, Die deutschen Dokumente zum Kriegsausbruch*, edited by Karl Kautsky, Graf Max Montgelas, and Prof. Walther Schücking (Berlin, 1919), translated by the Carnegie Endowment for International Peace, No. 323. Reprinted by permission of the Carnegie Endowment for International Peace.

of August. As a result, the Imperial government is placed in the extraordinarily difficult position of being exposed in the meantime to the mediation and conference proposals of the other cabinets, and if it continues to maintain its previous aloofness in the face of such proposals, it will incur the odium of having been responsible for a world war, even, finally, among the German people themselves. A successful war on three fronts cannot be commenced and carried on on any such basis. It is imperative that the responsibility for the eventual extension of the war among those nations not originally immediately concerned should, under all circumstances, fall on Russia. At Mr. Sazonoff's last conversation with Count Pourtalès, the Minister already conceded that Serbia would have to receive her "deserved lesson." At any rate the Minister was no longer so unconditionally opposed to the Austrian point of view as he had been earlier. From this fact it is not difficult to draw the conclusion that the Russian government might even realize that, once the mobilization of the Austro-Hungarian Army had begun, the very honor of its arms demanded an invasion of Serbia. But it will be all the better able to compromise with this idea if the Vienna Cabinet repeats at Petersburg its distinct declaration that she is far from wishing to make any territorial acquisitions in Serbia, and that her military preparations are solely for the purpose of a temporary occupation of Belgrade and certain other localities on Serbian territory in order to force the Serbian government to the complete fulfillment of her demands, and for the creation of guaranties of future good behavior—to which Austria-Hungary has an unquestionable claim after the experiences she has had with Serbia. An occupation like the German occupation of French territory after the Peace of Frankfurt, for the purpose of securing compliance with the demands for war indemnity, is suggested. As soon as the Austrian demands are complied with, evacuation would follow. Should the Russian government fail to recognize the justice of this point of view, it would have against it the public opinion of all Europe, which is now in the process of turning away from Austria. As a further result, the general diplomatic, and probably the military, situation would undergo material alteration in favor of Austria-Hungary and her allies.

Your Excellency will kindly discuss the matter along these lines thoroughly and impressively with Count Berchtold, and instigate an appropriate move at St. Petersburg. You will have to avoid very carefully giving rise to the impression that we wish to hold Austria back. The case is solely one of finding a way to realize Austria's desired aim, that of cutting the vital cord of the Greater-Serbia propaganda, without at the same time bringing on a world war, and, if the latter can-

not be avoided in the end, of improving the conditions under which we shall have to wage it, insofar as is possible.

Wire report.

BETHMANN-HOLLWEG

110 The "Scrap of Paper" Incident, 1914

On August 2, 1914, Germany, on the excuse that France was contemplating the same move, presented Belgium with a twelve-hour ultimatum demanding that she permit the passage of German troops through her territory on the way to invade France. If Belgium did not resist, Germany would guarantee her sovereignty and integrity. The next morning, Belgium flatly refused, declaring that she would not "sacrifice her honor as a nation and at the same time betray [her] duty to Europe." Upon receiving this reply, Germany began her invasion of Belgium.

When news of the German ultimatum to Belgium reached London, Sir Edward Grey, the British Foreign Minister, summoned Parliament, and informed it that, in regard to Belgium, "if we run away from those obligations of honor and interest, . . . I am quite sure that our moral position would be such as to have lost us all respect." Parliament immediately pledged its support. The Cabinet thereupon decided to send an ultimatum to Berlin demanding that the German ultimatum to Belgium be withdrawn.

In the following dispatch, Sir Edward Goschen, the British Ambassador in Berlin, reported on his last hours in Berlin. The document gives the origin of the famous "scrap of paper" incident. Deeply agitated, the German Chancellor Bethmann-Hollweg informed the British Ambassador: ". . . the step taken by His Majesty's Government was terrible to a degree, just for a word 'neutrality,' a word which in wartime had so often been disregarded—just for a scrap of paper, Great Britain was going to make war on a kindred nation who desired nothing better than to be friends with her."

Bethmann-Hollweg's "scrap of paper" referred to the Treaty of 1839, signed by, among others, Palmerston for Britain and Bulow for Prussia, guaranteeing the independence and neutrality of Belgium. The breaking of this pledge was denounced by the Allies as a shocking violation of international law. The incident was used effectively by the Allies in the World War I battle of propaganda.

Origin of the Phrase, "A Scrap of Paper," August 4, 1914 *

Goschen to Grey. (Received August 19th)

Berlin, August 6, 1914

Sir,

In accordance with the instructions contained in your telegram No. 266 of the 4th instant I called upon the Under-Secretary of State for Foreign Affairs that afternoon and enquired in the name of His Majesty's Government whether the Imperial Government would refrain from violating Belgian neutrality. Herr von Jagow at once replied that he was sorry to say that his answer must be "No" as, in consequence of the German troops having crossed the frontier that morning, Belgian neutrality had been already violated. Herr von Jagow again went into the reasons why the Imperial Government had been obliged to take this step—namely that they had to advance into France by the quickest and easiest way—so as to be able to get well ahead with their operations and endeavour to strike some decisive blow as early as possible. It was a matter of life and death for them, as if they had gone by the more southern route they could not have hoped, in view of the paucity of roads and the strength of the Fortresses, to have got through without formidable opposition entailing great loss of time. This loss of time would have meant time gained by the Russians for bringing up their troops to the German frontier. Rapidity of action was the great German asset while that of Russia was an inexhaustible supply of troops. I pointed out to Herr von Jagow that this *fait accompli* of the violation of the Belgian frontier rendered, as he would readily understand, the situation exceedingly grave and I asked him whether there was not still time to draw back and avoid possible consequences which both he and I would deplore. He replied

* *British Documents on the Origins of the War, 1898-1914*, edited by G. P. Gooch and Harold Temperley (London, 1926-1930), XI, No. 671. (Vol. XI consists of Foreign Office Documents, June 28-August 4, 1914.)

that for the reasons he had given me it was now impossible for them to draw back.

During the afternoon I received your telegram No. 270 and, in compliance with the instructions therein contained, I again proceeded to the Imperial Foreign Office and informed the Secretary of State for Foreign Affairs that unless the Imperial Government could give the assurance by 12 o'clock that night that they would proceed no further with their violation of the Belgian frontier and stop their advance, I had been instructed to demand my passports and inform the Imperial Government that His Majesty's Government would have to take all steps in their power to uphold the neutrality of Belgium and the observance of a treaty to which Germany was as much a party as themselves.

Herr von Jagow replied that to his great regret he could give no other answer than that which he had given me earlier in the day, namely that the safety of the Empire rendered it absolutely necessary that the Imperial troops should advance through Belgium. I gave his Excellency a paraphrase of your telegram and, pointing out that you had mentioned 12 o'clock as the time when His Majesty's Government would expect an answer, asked him whether, in view of the terrible consequences which would necessarily ensue, it were not possible even at the last moment that their answer should be reconsidered. He replied that if the time given were even twenty-four hours or more his answer must be the same. I said that in that case I should have to demand my passports. This interview would have taken place at about 7 o'clock. In a short conversation which ensued Herr von Jagow expressed his poignant regret at the crumbling of his entire policy and that of the Chancellor, which had been to make friends with Great Britain and then, through Great Britain, to get closer to France. I said that this sudden end to my work in Berlin was to me also a matter of deep regret and disappointment, but that he must understand that under the circumstances and in view of our engagements His Majesty's Government could not possibly have acted otherwise than they had done.

I then said that I should like to go and see the Chancellor as it might be perhaps the last time I should have an opportunity of seeing him. He begged me to do so. I found the Chancellor very agitated. His Excellency at once began a harangue which lasted for about 20 minutes. He said that the step taken by His Majesty's Government was terrible to a degree, just for a word "neutrality," a word which in wartime had so often been disregarded—just for a scrap of paper, Great Britain was going to make war on a kindred nation who desired

nothing better than to be friends with her. All his efforts in that direction had been rendered useless by this last terrible step, and the policy to which, as I knew, he had devoted himself since his accession to office, had tumbled down like a house of cards. What we had done was unthinkable; it was like striking a man from behind while he was fighting for his life against two assailants. He held Great Britain responsible for all the terrible events that might happen! I protested strongly against that statement and said that in the same way as he and Herr von Jagow wished me to understand that for strategical reasons it was a matter of life and death to Germany to advance through Belgium and violate her neutrality, so I would wish him to understand that it was, so to speak, a matter of "life and death" for the honour of Great Britain that she should keep her solemn engagement to do her utmost to defend Belgium's neutrality if attacked. That solemn compact simply had to be kept, or what confidence could anyone have in engagements given by Great Britain in the future? The Chancellor said, "But at what price will that compact have been kept. Has the British Government thought of that?" I hinted to his Excellency as plainly as I could that fear of consequences could hardly be regarded as an excuse for breaking solemn engagements, but his Excellency was so excited, so evidently overcome by the news of our action and so little disposed to hear reason, that I refrained from adding fuel to the flame by further argument. As I was leaving he said that the blow of Great Britain joining Germany's enemies was all the greater that almost up to the last moment he and his Government had been working with us and supporting our efforts to maintain peace between Austria and Russia. I admitted that that had been the case and said that it was part of the tragedy which saw the two nations fall apart just at the moment when the relations between them had been more friendly and cordial than they had been for years. Unfortunately notwithstanding our efforts to maintain peace between Russia and Austria the war had spread and had brought us face to face with a situation which, if we held to our engagements, we could not possibly avoid, and which unfortunately entailed our separation from our late fellow-workers. He would readily understand that no one regretted this more than I.

After this somewhat painful interview I returned to the embassy and drew up my telegram No. 137. This telegram was handed in at the Central Telegraph Office a little before 9 P.M. It was accepted by that office but apparently never despatched. . . .

111 The Invasion of Belgium, 1914

On August 4, 1914, the first battle of World War I took place at Liège, which, though strongly fortified, surrendered to the Germans in three days. Speedily mobilized, the German armies scattered the fighting Belgian forces within several weeks. The German surge into Brussels was witnessed by Richard Harding Davis, whose dispatch is considered to be one of the classic newspaper stories of the twentieth century.

Richard Harding Davis's Report on the German Invasion of Belgium, August, 1914 *

Brussels, Friday, August 21, 2 P.M. The entrance of the German army into Brussels has lost the human quality. It was lost as soon as the three soldiers who led the army bicycled into the Boulevard du Régent and asked the way to the Gare du Nord. When they passed the human note passed with them.

What came after them, and twenty-four hours later is still coming, is not men marching, but a force of nature like a tidal wave, an avalanche or a river flooding its banks. At this minute it is rolling through Brussels as the swollen waters of the Conemaugh Valley swept through Johnstown.

At the sight of the first few regiments of the enemy we were thrilled with interest. After for three hours they had passed in one unbroken steel gray column we were bored. But when hour after hour passed and there was no halt, no breathing time, no open spaces in the ranks, the thing became uncanny, inhuman. You returned to watch it, fascinated. It held the mystery and menace of fog rolling toward you across the sea.

The gray of the uniforms worn by both officers and men helped this air of mystery. Only the sharpest eye could detect among the thousands that passed the slightest difference. All moved under a cloak of invisibility. Only after the most numerous and severe tests

* *The News Chronicle*, London, August 23, 1914.

at all distances, with all materials and combinations of colors that give forth no color could this gray have been discovered. That it was selected to clothe and disguise the German when he fights is typical of the German staff in striving for efficiency to leave nothing to chance, to neglect no detail.

After you have seen this service uniform under conditions entirely opposite you are convinced that for the German soldier it is his strongest weapon. Even the most expert marksman cannot hit a target he cannot see. It is a gray green, not the blue gray of our Confederates. It is the gray of the hour just before daybreak, the gray of unpolished steel, of mist among green trees.

I saw it first in the Grand Palace in front of the Hôtel de Ville. It was impossible to tell if in that noble square there was a regiment or a brigade. You saw only a fog that melted into the stones, blended with the ancient house fronts, that shifted and drifted, but left you nothing at which you could point.

Later, as the army passed below my window, under the trees of the Botanical Park, it merged and was lost against the green leaves. It is no exaggeration to say that at a hundred yards you can see the horses on which the Uhlans ride, but you cannot see the men who ride them.

If I appear to overemphasize this disguising uniform it is because of all the details of the German outfit it appealed to me as one of the most remarkable. The other day when I was with the rear guard of the French Dragoons and Curassiers and they threw out pickets, we could distinguish them against the yellow wheat at half a mile, while these men passing in the street, when they have reached the next crossing, become merged into the gray of the paving stones and the earth swallows them. In comparison the yellow khaki of our own American army is about as invisible as the flag of Spain.

Yesterday Major General von Jarotsky, the German Military Governor of Brussels, assured Burgomaster Max that the German army would not occupy the city, but would pass through it. It is still passing. I have followed in campaigns six armies, but excepting not even our own, the Japanese or the British, I have not seen one so thoroughly equipped. I am not speaking of the fighting qualities of any army, only of the equipment and organization. The German army moved into this city as smoothly and as compactly as an Empire State Express. There were no halts, no open places, no stragglers.

This army has been on active service three weeks, and so far there is not apparently a chinstrap or a horseshoe missing. It came in with the smoke pouring from cookstoves on wheels, and in an hour had set

up postoffice wagons, from which mounted messengers galloped along the line of columns distributing letters and at which soldiers posted picture postcards.

The infantry came in in files of five, two hundred men to each company; the Lancers in columns of four, with not a pennant missing. The quick firing guns and field pieces were one hour at a time in passing, each gun with its caisson and ammunition wagon taking twenty seconds in which to pass.

The men of the infantry sang "Fatherland, My Fatherland." Between each line of song they took three steps. At times two thousand men were singing together in absolute rhythm and beat. When the melody gave way the silence was broken only by the stamp of iron-shod boots, and then again the song rose. When the singing ceased the bands played marches. They were followed by the rumble of siege guns, the creaking of wheels and of chains clanking against the cobble stones and the sharp bell-like voices of the bugles.

For seven hours the army passed in such solid column that not once might a taxicab or trolley car pass through the city. Like a river of steel it flowed, gray and ghostlike. Then, as dusk came and as thousands of horses' hoofs and thousands of iron boots continued to tramp forward, they struck tiny sparks from the stones, but the horses and the men who beat out the sparks were invisible.

At midnight pack wagons and siege guns were still passing. At 7 this morning I was awakened by the tramp of men and bands playing jauntily. Whether they marched all night or not I do not know; but now for twenty-six hours the gray army has rumbled by with the mystery of fog and the pertinacity of a steam roller.

112 Bethmann-Hollweg's Defense of the Invasion of Belgium

The outbreak of World War I in 1914 was greeted with universal enthusiasm. Citizens of every participating country, believing their lives and homes in danger, loyally responded to the call for volunteers. Frenchmen singing the "Marseillaise" gathered in Paris on the Champs Elysées and the Place de la Concorde to demand revenge for 1870. Russians marched singing to their

mobilization depots while their fellow citizens sacked the German Embassy. Germans chanting war hymns paraded down Unter den Linden to hear stirring speeches from the Kaiser. Cheering, singing masses converged on Trafalgar Square and the Mall in London. It was as if some mass hysteria had emerged to snuff out all the normal processes of reason and morality.

On August 4, 1914, shortly after the German invasion of Belgium and Luxemburg, Theobald von Bethmann-Hollweg, the Chancellor, appeared before the Reichstag to define Germany's position in the war. It was an extraordinary speech, which admitted that the violation of Belgian neutrality was unjust, but which promised that the injustice would be made good as soon as the necessary military goal was attained. The Reichstag members greeted the speech with enthusiasm. Even the Social Democrats, carried away by the hysteria, joined in voting war credits for what the Germans considered to be a just cause.

**Speech of the Imperial Chancellor, von Bethmann-Hollweg,
Before the German Reichstag, August 4, 1914 ***

A stupendous fate is breaking over Europe. For forty-four years, since the time we fought for and won the German Empire and our position in the world, we have lived in peace and have protected the peace of Europe. In the works of peace we have become strong and powerful, and have thus aroused the envy of others. With patience we have faced the fact that, under the pretense that Germany was desirous of war, enmity has been awakened against us in the East and the West, and chains have been fashioned for us. The wind then sown has brought forth the whirlwind which has now broken loose. We wished to continue our work of peace, and, like a silent vow, the feeling that animated everyone from the Emperor down to the youngest soldier was this: Only in defense of a just cause shall our sword fly from its scabbard.

The day has now come when we must draw it, against our wish, and in spite of our sincere endeavors Russia has set fire to the building. We are at war with Russia and France—a war that has been forced upon us.

* From *The German White Book*, translated in His Majesty's Stationery Office, *Collected Diplomatic Documents relating to the Outbreak of the European War* (London, 1915), pp. 436-439.

Gentlemen, a number of documents, composed during the pressure of these last eventful days, is before you. Allow me to emphasize the facts that determine our attitude.

From the first moment of the Austro-Serbian conflict we declared that this question must be limited to Austria-Hungary and Serbia, and we worked with this end in view. All governments, especially that of Great Britain, took the same attitude. Russia alone asserted that she had to be heard in the settlement of this matter.

Thus the danger of a European crisis raised its threatening head.

As soon as the first definite information regarding the military preparations in Russia reached us, we declared at St. Petersburg in a friendly but emphatic manner that military measures against Austria would find us on the side of our ally, and that military preparations against ourselves would oblige us to take countermeasures; but that mobilization would come very near to actual war.

Russia assured us in the most solemn manner of her desire for peace, and declared that she was making no military preparations against us.

In the meantime, Great Britain, warmly supported by us, tried to mediate between Vienna and St. Petersburg.

On July 28th the Emperor telegraphed to the Tsar asking him to take into consideration the fact that it was both the duty and the right of Austria-Hungary to defend herself against the Pan-Serb agitation, which threatened to undermine her existence. The Emperor drew the Tsar's attention to the solidarity of the interests of all monarchs in face of the murder of Sarajevo. He asked for the latter's personal assistance in smoothing over the difficulties existing between Vienna and St. Petersburg. About the same time, and before receipt of this telegram, the Tsar asked the Emperor to come to his aid and to induce Vienna to moderate her demands. The Emperor accepted the role of mediator.

But scarcely had active steps on these lines begun, when Russia mobilized all her forces directed against Austria, while Austria-Hungary had mobilized only those of her corps which were directed against Serbia. To the north she has mobilized only two of her corps, far from the Russian frontier. The Emperor immediately informed the Tsar that this mobilization of Russian forces against Austria rendered the role of mediator, which he had accepted at the Tsar's request, difficult, if not impossible.

In spite of this, we continued our task of mediation at Vienna and carried it to the utmost point which was compatible with our position as an ally. . . .

While we were mediating at Vienna in compliance with Russia's

request, Russian forces were appearing all along our extended and almost entirely open frontier, and France, though indeed not actually mobilizing, was admittedly making military preparations. What was our position? For the sake of the peace of Europe we had, up till then, deliberately refrained from calling up a single reservist. Were we now to wait further in patience until the nations on either side of us chose the moment for their attack? It would have been a crime to expose Germany to such peril. Therefore, on July 31st we called upon Russia to demobilize as the only measure which could still preserve the peace of Europe. The Imperial Ambassador at St. Petersburg was also instructed to inform the Russian government that in case our demand met with a refusal, we should have to consider that a state of war (*Kriegszustand*) existed.

The Imperial Ambassador has executed these instructions. We have not yet learnt what Russia answered to our demand for demobilization. Telegraphic reports on this question have not reached us even though the wires still transmitted much less important information.

Therefore, the time limit having long since expired, the Emperor was obliged to mobilize our forces on the 1st of August at 5 P.M.

At the same time we had to make certain what attitude France would assume. To our direct question, whether she would remain neutral in the event of a Russo-German War, France replied that she would do what her interests demanded. That was an evasion, if not a refusal.

In spite of this, the Emperor ordered that the French frontier was to be unconditionally respected. This order, with one single exception, was strictly obeyed. France, who mobilized at the same time as we did, assured us that she would respect a zone of ten kilometers on the frontier. What really happened? Aviators dropped bombs, and cavalry patrols and French infantry detachments appeared on the territory of the Empire! Though war had not been declared, France thus broke the peace and actually attacked us. . . .

Gentlemen, we are now in a state of necessity (*Notwehr*), and necessity (*Not*) knows no law. Our troops have occupied Luxemburg and perhaps have already entered Belgian territory.

Gentlemen, that is a breach of international law. It is true that the French government declared at Brussels that France would respect Belgian neutrality as long as her adversary respected it. We knew, however, that France stood ready for an invasion. France could wait, we could not. A French attack on our flank on the lower Rhine might have been disastrous. Thus we were forced to ignore the rightful protests of the governments of Luxemburg and Belgium. The wrong—I

speak openly—the wrong we thereby commit we will try to make good as soon as our military aims have been attained.

He who is menaced as we are and is fighting for his highest possession can only consider how he is to hack his way through (*durchhauen*).

Gentlemen, we stand shoulder to shoulder with Austria-Hungary.

As for Great Britain's attitude, the statements made by Sir Edward Grey in the House of Commons yesterday show the standpoint assumed by the British government. We have informed the British government that, as long as Great Britain remains neutral, our fleet will not attack the northern coast of France, and that we will not violate the territorial integrity and independence of Belgium. These assurances I now repeat before the world, and I may add that, as long as Great Britain remains neutral, we would also be willing, upon reciprocity being assured, to take no warlike measures against French commercial shipping.

Gentlemen, so much for the facts. I repeat the words of the Emperor: "With a clear conscience we enter the lists." We are fighting for the fruits of our works of peace, for the inheritance of a great past and for our future. The fifty years are not yet past during which Count Moltke said we should have to remain armed to defend the inheritance that we won in 1870. Now the great hour of trial has struck for our people. But with clear confidence we go forward to meet it. Our army is in the field, our navy is ready for battle—behind them stands the entire German nation—the entire German nation united to the last man.

Gentlemen, you know your duty and all that it means. The proposed laws need no further explanation. I ask you to pass them quickly.

113 The Hostage System in Belgium, 1914

Five German armies crossed the frontiers of Belgium and Luxembourg during the first week of August, 1914. Five hundred troop trains ran up to the Belgian frontier each day. The Belgians resisted stubbornly. Snipers attempted to delay the Germans and slow down the invasion timetable. The German response was the use of a system of hostages, by which Belgian citizens were arrested indiscriminately and shot in retaliation for attacks on German personnel.

The Western world failed to grasp the sense of this hostage system, which, in German military eyes, was perfectly reasonable. Allied publicists were handed an issue which they exploited to the utmost in the battle of propaganda. This difference in national psychology was demonstrated again in much the same fashion by Nazi military commanders in World War II.

German Military Proclamations in Belgium, 1914 *

I

PROCLAMATION!

THE BELGIAN AND FRENCH SOLDIERS MUST BE HANDED OVER AS PRISONERS OF WAR BEFORE FOUR O'CLOCK, IN FRONT OF THE PRISON. CITIZENS WHO DO NOT OBEY WILL BE CONDEMNED TO FORCED LABOR IN PERPETUITY IN GERMANY. A STRICT INSPECTION OF PROPERTIES WILL BEGIN AT FOUR O'CLOCK. ALL SOLDIERS DISCOVERED WILL BE SHOT AT ONCE.

ARMS, POWDER, OR DYNAMITE MUST BE HANDED OVER AT FOUR O'CLOCK. PENALTY FOR NONOBSERVANCE: DEATH.

ALL STREETS WILL BE OCCUPIED BY GERMAN GUARDS WHO WILL ARREST TEN HOSTAGES IN EACH STREET. THESE TEN HOSTAGES WILL BE SHOT IF ANY OUTRAGE IS COMMITTED ON ANY STREET.

NAMUR, AUGUST 25, 1914.

GENERAL VON BÜLOW, General Commandant of
the Second Army

II

PROCLAMATION!

WITH MY PERMISSION THE GENERAL IN COMMAND HAS BURNED DOWN THE ENTIRE LOCALITY AND ABOUT ONE HUNDRED PERSONS HAVE BEEN SHOT

LIÈGE, August 22, 1914.

GENERAL VON BULOW, General Commandant
of the Second Army

III

PROCLAMATION!

IF ANY OF THE INHABITANTS FIRE ON SOLDIERS OF THE GERMAN ARMY, ONE QUARTER OF THE POPULATION WILL BE ORDERED TO BE SHOT.

HASSELT, August 17, 1914.

[Posted August 17, 1914.]

* Quoted in Lucien Magne, *La Guerre et les monuments de Reims, Ypres, Louvain, Arras* (Paris, 1914-1918), pp. 125, 126, 129.

IV

PROCLAMATION!

ON THE EVENING OF SEPTEMBER 25TH, THE RAILWAY LINE AND TELEGRAPH BETWEEN LOVENJOU AND VERTRYCK WERE DESTROYED. AS A RESULT, THE TWO ABOVE-MENTIONED PLACES WERE REQUIRED TO ACCOUNT FOR THIS DEED ON SEPTEMBER 30TH, AND HAVE HAD TO DELIVER UP HOSTAGES.

IN THE FUTURE, THOSE LOCALITIES NEAREST TO THE SPOT WHERE SIMILAR INCIDENTS OCCUR—NO MATTER WHETHER OR NOT THEY ARE ACCOMPLICES—WILL BE PUNISHED WITHOUT MERCY

October 5, 1915.

FIELD MARSHAL VON DER GOLTZ,
Governor of Belgium

V

ORDER OF THE DAY!

FROM TODAY ON, NO PRISONERS WILL BE TAKEN. ALL PRISONERS WILL BE PUT TO DEATH.

THE WOUNDED, WITH OR WITHOUT ARMS, WILL BE PUT TO DEATH.

PRISONERS, EVEN THOSE ORGANIZED IN LARGE UNITS, WILL BE PUT TO DEATH. NOT ONE LIVING MAN MUST REMAIN IN OUR REAR.

[Signed] STENGER, General Commander of
the 58th German Army Brigade

114 William II's Proclamation to His Eastern Army, 1914

Throughout his career William II made passionate, warlike utterances which astonished not only the people of foreign nations but also his own subjects. The erratic monarch always insisted that he was a man of peace who desired only equality for his nation among nations, but he continued to make bellicose speeches.

After the beginning of World War I, William II issued a series of bombastic and fiery proclamations, of which the following is a sample.

Extract from the Proclamation *

Remember that you are a chosen people! 'The spirit of the Lord has descended upon me, because I am Emperor of the Germans!

I am the instrument of the Most High.

I am his sword, His representative.

Woe and death to all who resist my will! Woe and death to those who do not believe in my mission! Woe and death to the cowards!

Let them perish—all the enemies of the German people!

God demands their destruction, God, who through my mouth, commands you to execute His will!

115 The "Hasslied," 1914

When World War I broke out in 1914, there was a widespread feeling of resentment in Germany against England. A generation of German intellectuals had insisted that England was the hereditary enemy, the most tenacious, shrewd, and implacable adversary, "the shameless representative," said Heinrich von Treitschke, "of barbarism in international law." Professor Erich Marcks wrote: "It is certain: England is our true mortal enemy." † "None of our opponents," wrote the historian Arnold Oskar Meyer, "has made our blood boil as much as has England!" ‡ "The day will come," said the historian Friedrich Meinecke, "when people will bless Germany's decision to enter upon the defensive war against Britain and win the freedom of the seas." §

This extreme bitterness against England reached almost hysterical proportions with the publication in 1914 of Ernst Lissauer's famous "Hasslied," a "Chant of Hate Against England." Allied propagandists made effective use of this display of national emotion.

* Quoted in Lucien Magne, *La Guerre et les monuments de Reims, Ypres, Louvain, Arras* (Paris, 1914-1918), p. 123.

† Erich Marcks, *Wo stehen wir?* (Berlin, 1914), p. 14.

‡ Arnold Oscar Meyer, *Worin liegt Englands Schuld?* (Berlin, 1917), p. 5.

§ Friedrich Meinecke, *Deutsche Kultur und Machtpolitik im englischen Urteil* (Berlin, 1915), p. 27.

A Chant of Hate Against England *

French and Russian they matter not,
A blow for a blow and a shot for a shot;
We love them not, we hate them not,
We hold the Weichsel and Vosges-gate,
We have but one—and only hate,
We love as one, we hate as one,
We have one foe and one alone.

He is known to you all, he is known to you all,
He crouches behind the dark grey flood,
Full of envy, of rage, of craft, of gall,
Cut off by waves that are thicker than blood.
Come, let us stand at the Judgment place,
An oath to swear to, face to face,
An oath of bronze no wind can shake,
An oath for our sons and their sons to take.
Come, hear the word, repeat the word,
Throughout the Fatherland make it heard.
We will never forego our hate,
We have all but a single hate,
We love as one, we hate as one,
We have one foe, and one alone—

ENGLAND!

In the Captain's mess, in the banquet hall,
Sat feasting the officers, one and all,
Like a sabre-blow, like the swing of a sail,
One seized his glass held high to hail,
Sharp-snapped like the stroke of a rudder's play,
Spoke three words only: "To the Day!"
Whose glass this fate?
They had all but a single hate.
Who was thus known?
They had one foe, and one alone—

ENGLAND!

Take you the folk of the Earth in pay,
With bars of gold your ramparts lay,

* By Ernst Lissauer, originally published in *Jugend* (1914). This translation by Barbara Henderson in *The New York Times*, October 15, 1914. Reprinted by permission of *The New York Times*.

Bedeck the ocean with bow on bow,
Ye reckon well, but not well enough now.
French and Russian they matter not,
A blow for a blow, a shot for a shot,
We fight the battle with bronze and steel,
And the time that is coming Peace will seal.

You will hate with a lasting hate,
We will never forego our hate,
Hate by water and hate by land,
Hate of the head and hate of the hand,
Hate of the hammer and hate of the crown,
Hate of seventy millions, choking down.
We love as one, we hate as one,
We have one foe, and one alone—

ENGLAND!

116 Gerhart Hauptmann's Apologia for Germany, 1914

Two months after the outbreak of World War I, Romain Rolland (1866–1944), the French novelist, known for his idealism and cosmopolitanism, addressed an open letter to Gerhart Hauptmann (1862–1946), the German dramatist who had won the Nobel Prize for literature in 1912. In his impassioned letter, Rolland reproached Hauptmann for the type of warfare carried on by the Germans against Belgium and France and begged him to declare his disapproval of the destruction of Louvain.*

* On August 20, 1914, German troops, led by famous regiments, entered the Belgian university city of Louvain. Someone started the ugly rumor that a German officer had been wounded by a sniper. There seemed to be substantiation for this report when a wounded officer was borne conspicuously on a litter through the streets, followed by the dead body of his assailant. When the sniping continued, the German military authorities tried to stop it by leading large bands of Belgians, indiscriminately chosen, to execution. Unnerved, the occupation troops began to throw torches into houses suspected of harboring snipers. A part of the city was left an empty, blackened shell.

Hauptmann's reply was a bitter excoriation of the Allies and an emotional defense of the German cause. His letter reveals how much he, as well as the German public, resented the epithet "Huns."

Letter from Gerhart Hauptmann to Romain Rolland, October, 1914 *

. . . Naturally, everything you say of our government, our army, our people, is distorted; everything is false; so false that in this respect your open letter seems to me a blank and empty surface. War is war. You may lament over war, but must not wonder at things which are inseparable from this elemental consideration. Assuredly, it is tragic when, in the hand-to-hand confusion of conflict, an irreplaceable Rubens is destroyed; but—with all honor to Rubens—I am of those in whom the shattered breast of his brother causes a far deeper pain.

And, Herr Rolland, it does no good for you to adopt a tone that implies that the people of your land, the French, are marching out against us with palm branches, when in reality they are plentifully furnished with cannon, with cartridges—yes, even with dum-dum bullets. Certainly you have grown fearful of our heroic armies. That is to the glory of a power which is invincible through the justice of its cause. The German soldier is unsullied by the loathsome and puerile werewolf tales which your lying French press so zealously spreads abroad, that press which the French and the Belgian people have the misfortune to read.

Let the lazy Englishman call us "Huns"; you may, for all I care, characterize the warriors of our splendid Landwehr as "sons of Attila"; it is enough for us if this Landwehr shatters to bits the ring of our merciless enemies. Far better that you call us "sons of Attila," cross yourself in fear, and remain outside our borders, than that you indict tender inscriptions upon the tomb of our German name, calling us "the beloved descendants of Goethe." The epithet "Huns" is coined by people who, themselves Huns, find themselves disappointed in their criminal attacks on the life of a sound, valorous race, because this race knows how to parry a fearful blow with still more fearful force. The impotent take refuge in curses.

I say nothing against the Belgian people. The peaceful passage of German troops, a question of life and death for Germany, was refused

* Originally published in the *Vossische Zeitung*. From *The New York Times*, October 11, 1914.

by Belgium because its government had made itself a tool of England and France. This same government then organized an unparalleled guerrilla warfare, in order to cover its indefensible position, and by that act—Herr Rolland, you are a musician!—struck the horrible keynote of conflict. If you are at all in a position to break your way through the giants' wall of anti-German lies, read the message to America by our Imperial Chancellor, of September 7th; read further the telegram which on September 8th the Kaiser himself addressed to President Wilson. You will then discover things which it is necessary to know in order to understand the calamity of Louvain.

GERHART HAUPTMANN

117 The Sinking of the *Lusitania*, May 7, 1915

NOTICE!

Travelers intending to embark on the Atlantic voyage are reminded that a state of war exists between Germany and her allies and Great Britain and her allies; that the zone of war includes the waters adjacent to the British Isles; that, in accordance with formal notice given by the Imperial German Government, vessels flying the flag of Great Britain, or any of her allies, are liable to destruction in those waters and that travelers sailing in the war zone on ships of Great Britain and her allies do so at their own risk.

IMPERIAL GERMAN EMBASSY
Washington, D.C., April 22, 1915

This advertisement appeared in *The New York Times* on May 1, 1915, directly beneath the customary announcements of sailings on the Cunard Line. It attracted some attention, but none of the 1,957 passengers who had booked sailings on the *Lusitania* even considered canceling his passage.

The *Lusitania* was the current queen of the Cunard Line fleet, a four-stacker of 30,395 gross tons, and the fastest ship afloat. On Friday, May 7th, after a fine crossing, she was about ten miles off the coast of Ireland, when, suddenly, without warning, a

torpedo crashed into her side. The ship trembled, her bows dipped forward, and she began to settle. Of the total passenger list, only 761 were rescued. Of the 197 Americans, 124 lost their lives.

A wave of mingled horror, anger, and resentment swept through the United States. Editorials and cartoons in the nation's press denounced the sinking as deliberate murder. Though not directly responsible for the entrance of the United States into the war, the *Lusitania* disaster contributed much to the inflamed state of mind which made possible the final break.

The sinking touched off a violent controversy. Some historians claim that the *Lusitania* was a British auxiliary cruiser, that she was transporting Canadian soldiers, and that she carried "munitions." (Actually, the original ship manifest in the Custom House, New York, listed "4,200 cases of cartridges for rifles" and "1,250 cases of shrapnel.") Other historians insist that this was irrelevant and did not justify violating the time-honored rule that merchantmen should not be sunk without warning.

In Germany the sinking was regarded as a victory. School children were given a holiday to celebrate the event. Millions of post cards portraying the sinking were sold. A medal was struck off: One side showed passengers buying tickets from a passenger agent who had a death's head, with the legend above, "*Geschäft über Alles*" ("Business Above All") the other side showed the ship sinking beneath the waves and the legend, *Keine Bannware* ("No Contraband"). (Curiously, the medal was dated 5 May 1915, two days before the actual sinking.)

In the exchange of diplomatic notes which took place after the sinking of the *Lusitania*, President Wilson reviewed the entire submarine controversy, called the sinking a crime against humanity, and demanded a promise that similar incidents would not be condoned in the future. Below are the two notes stating the German position in the controversy.

I The First German Note on the *Lusitania*, May 28, 1915 *

Berlin, May 28, 1915

The undersigned has the honor to make the following reply to the

* *Papers Relating to the Foreign Relations of the United States*, 1915 Supplement, *The World War* (Washington, 1928), pp 419-421.

note of his excellency, Mr. James W. Gerard, Ambassador of the United States of America, dated the 15th (13th) instant, on the subject of the impairment of many American interests by the German submarine war.

The Imperial Government has subjected the statements of the Government of the United States to a careful examination and has the lively wish on its part also to contribute in a convincing and friendly manner to clear up any misunderstandings which may have entered into the relations of the two Governments through the events mentioned by the American Government.

[The next two paragraphs concerned other sinkings.]

With regard to the loss of life when the British passenger steamer *Lusitania* was sunk, the German Government has already expressed its deep regret to neutral Governments concerned that nationals of those countries lost their lives on that occasion. The Imperial Government must state for the rest that certain important facts most directly connected with the sinking of the *Lusitania* may have escaped the attention of the Government of the United States. It therefore considers it necessary in the interest of the clear and full understanding aimed at by either Government primarily to convince itself that the reports of the facts which are before the two Governments are complete and in agreement.

The Government of the United States proceeds on the assumption that the *Lusitania* is to be considered as an ordinary unarmed merchant vessel. The Imperial Government begs in this connection to point out that the *Lusitania* was one of the largest and fastest English commerce steamers, constructed with Government funds as auxiliary cruisers, and is expressly included in the Navy List published by the British Admiralty. It is moreover known to the Imperial Government from reliable information furnished by its officials and neutral passengers that for some time practically all the more valuable English merchant vessels have been provided with guns, ammunition, and other weapons, and reinforced with a crew specially practiced in manning guns. According to reports at hand here, the *Lusitania* when she left New York undoubtedly had guns on board which were mounted under decks and masked.

The Imperial Government furthermore has the honor to direct the particular attention of the American Government to the fact that the British Admiralty by a secret instruction of February of this year advised the British merchant marine not only to seek protection behind neutral flags and markings, but even when so disguised to attack

German submarines by ramming them. High rewards have been offered by the British Government as a special incentive for the destruction of the submarines by merchant vessels, and such rewards have already been paid out.

In view of these facts, which are satisfactorily known to it, the Imperial Government is unable to consider English merchant vessels any longer as "undefended territory" in the zone of maritime war designated by the Admiralty Staff of the Imperial German Navy, the German commanders are consequently no longer in a position to observe the rules of capture otherwise usual and with which they have invariably complied before this.

Lastly, the Imperial Government must specially point out that on her last trip the *Lusitania*, as on earlier occasions, had Canadian troops and munitions on board, including no less than 5,400 cases of ammunition destined for the destruction of brave German soldiers who are fulfilling with self-sacrifice and devotion their duty in service to the Fatherland. The German Government believes it acts in just self-defense when it seeks to protect the lives of its soldiers by destroying ammunition destined for the enemy with the means of war at its command.

The English steamship company must have been aware of the dangers to which passengers on board the *Lusitania* were exposed under the circumstances. In taking them on board in spite of this the company quite deliberately tried to use the lives of American citizens as protection for the ammunition carried, and violated the clear provisions of American laws which expressly prohibit, and provide punishment for, the carrying of passengers on ships which have explosives on board. The company thereby wantonly caused the death of so many passengers. According to the express report of the submarine commander concerned, which is further confirmed by all other reports, there can be no doubt that the rapid sinking of the *Lusitania* was primarily due to the explosion of the cargo of ammunition caused by the torpedo. Otherwise, in all human probability, the passengers of the *Lusitania* would have been saved.

The Imperial Government holds the facts recited above to be of sufficient importance to recommend them to a careful examination by the American Government. The Imperial Government begs to reserve a final statement of its position with regard to the demands made in connection with the sinking of the *Lusitania* until a reply is received from the American Government, and believes that it should recall here that it took note with satisfaction of the proposals of good offices

submitted by the American Government in Berlin and London with a view to paving the way for a *modus vivendi* for the conduct of maritime war between Germany and Great Britain. The Imperial Government furnished at that time ample evidence of its good will by its willingness to consider these proposals. The realization of these proposals failed, as is known, on account of their rejection by the Government of Great Britain.

The undersigned requests his excellency, the Ambassador, to bring the above to the knowledge of the American Government and avails himself of the opportunity to renew (*etc.*).

VON JAGOW

II The Second German *Lusitania* Note, July 8, 1915 *

Berlin, July 8, 1915

The undersigned has the honor to make the following reply to the note of his excellency, Mr. James W. Gerard, Ambassador of the United States of America, dated on the 10th (9th) ultimo, Foreign Office No. 3814, on the subject of the impairment of American interests by the German submarine war.

The Imperial Government has learned with satisfaction from the note how earnestly the Government of the United States is concerned in seeing the principle of humanity realized in the present war. Also, this appeal meets with full sympathy in Germany, and the Imperial Government is quite willing to permit its statements and decisions in the case under consideration to be governed by the principles of humanity just as it has done always.

The Imperial Government welcomed it with gratitude when the American Government in its note of May 15 (13), 1915, itself recalled that Germany had always permitted itself to be governed by the principles of progress and humanity in dealing with the law of maritime war. Since the time when Frederick the Great negotiated with John Adams, Benjamin Franklin, and Thomas Jefferson, the treaty of friendship and commerce of September 10, 1785, between Prussia and the Republic of the West, German and American statesmen have in fact always stood together in the struggle for the freedom of the seas and for the protection of peaceable trade.

In the international proceedings which have since been conducted

* *Papers Relating to the Foreign Relations of the United States*, 1915 Supplement, *The World War* (Washington, 1928), pp. 463-466.

for the regulation of the right of maritime war Germany and America have jointly advocated progressive principles, especially the abolishment of the right of capture at sea and the protection of the interests of neutrals.

Even at the beginning of the present war the German Government immediately declared its willingness, in response to the proposal of the American Government, to ratify the Declaration of London and thereby to subject itself, in the use of naval forces, to all the restrictions provided therein in favor of neutrals. Germany has likewise been always tenacious of the principle that war should be conducted against the armed and organized forces of the enemy country, but that the civilian population of the enemy must be spared as far as possible from the measures of war. The Imperial Government cherishes the definite hope that some way will be found when peace is concluded, or perhaps earlier, to regulate the law of maritime war in a manner guaranteeing the freedom of the seas, and will welcome it with gratitude and satisfaction if it can work hand in hand with the American Government on that occasion.

If in the present war the principles which should be the ideal of the future have been traversed more and more the longer its duration, the German Government has no guilt therein.

It is known to the American Government how Germany's adversaries, by completely paralyzing peaceable traffic between Germany and the neutral countries, have aimed from the very beginning, and with increasing lack of consideration, at the destruction, not so much of the armed forces, as the life of the German nation, repudiating in so doing all the rules of international law and disregarding all the rights of neutrals.

On November 3, 1914, England declared the North Sea to be a war area, and by planting poorly anchored mines and the stoppage and capture of vessels made passage extremely difficult for neutral shipping, so that it is actually blockading neutral coasts and ports, contrary to all international law.

Long before the beginning of the submarine war England practically completely intercepted legitimate neutral navigation to Germany also. Thus Germany was driven to submarine war on trade.

On November 16, 1914, the English Prime Minister declared in the House of Commons that it was one of England's principal tasks to prevent food for the German population from reaching Germany by way of neutral ports. Since March 1 of this year England has been taking from neutral ships, without further formality, all merchandise

proceeding to Germany, as well as all merchandise coming from Germany, even when neutral property. Just as was the case with the Boers, the German people is now to be given the choice of perishing from starvation, with its men, women and children, or of relinquishing its independence.

While our enemies thus loudly and openly have proclaimed war without mercy until our utter destruction, we are conducting war in self-defense for our national existence and for the sake of peace of assured permanency. We have been obliged to adopt submarine warfare to meet the declared intentions of our enemies and the method of warfare adopted by them in contravention of international law.

With all its efforts in principle to protect neutral life and property from damage as much as possible, the German Government recognized unreservedly in its memorandum of February 4 that the interests of neutrals might suffer from submarine warfare. However, the American Government will also understand and appreciate that in the fight for existence which has been forced upon Germany by its adversaries and announced by them, it is the sacred duty of the Imperial Government to do all within its power to protect and save the lives of German subjects. If the Imperial German Government were derelict in these, its duties, it would be guilty before God and history of the violation of those principles of the highest humanity which are the foundation of every national existence.

The case of the *Lusitania* shows with horrible clearness to what jeopardizing of human lives the manner of conducting war employed by our adversaries leads. In most direct contradiction of international law, all distinction between merchantmen and war vessels have been obliterated by the order of British merchantmen to arm themselves and to ram submarines, and the promise of rewards therefor; and neutrals who use merchantmen as travelers have thereby been exposed in an increasing degree to all the dangers of war.

If the commander of the German submarine which destroyed the *Lusitania* had caused the crew and travelers to put out in boats before firing the torpedo, this would have meant the sure destruction of his own vessel. After the experiences in the sinking of much smaller and less seaworthy vessels, it was to be expected that a mighty ship like the *Lusitania* would remain above water long enough, even after the torpedoing, to permit the passengers to enter the ship's boats. Circumstances of a very peculiar kind, especially the presence on board of large quantities of highly explosive materials, defeated this expectation. In addition, it may be pointed out that if the *Lusitania* had been spared, thousands of cases of ammunition would have been sent to

Germany's enemies and thereby thousands of German mothers and children robbed of their supporters.

In the spirit of friendship with which the German nation has been imbued towards the Union and its inhabitants since the earliest days of its existence, the Imperial Government will always be ready to do all it can, during the present war also, to prevent the jeopardizing of the lives of American citizens.

The Imperial Government therefore repeats the assurances that the American ships will not be hindered in the prosecution of legitimate shipping, and the lives of American citizens on neutral vessels shall not be placed in jeopardy.

In order to exclude any unforeseen dangers to American passenger steamers, made possible in view of the conduct of maritime war on the part of Germany's adversaries, the German submarines will be instructed to permit the free and safe passage of such passenger steamers when made recognizable by special markings and notified a reasonable time in advance. The Imperial Government, however, confidently hopes that the American Government will assume the guarantee that these vessels have no contraband on board. The details of the arrangement for the unhampered passage of these vessels would have to be agreed upon by the naval authorities of both sides.

In order to furnish adequate facilities for travel across the Atlantic Ocean for American citizens, the German Government submits for consideration (a proposal) to increase the number of available steamers by installing in the passenger service a reasonable number of neutral steamers, the exact number to be agreed upon, under the American flag under the same conditions as the American steamers above mentioned.

The Imperial Government believes that it can assume that in this manner adequate facilities for travel across the Atlantic Ocean can be afforded American citizens. There would therefore appear to be no compelling necessity for American citizens to travel to Europe in time of war on ships carrying an enemy flag. In particular the Imperial Government is unable to admit that American citizens can protect an enemy ship through the mere fact of their presence on board. Germany merely followed England's example when it declared part of the high seas an area of war. Consequently accidents suffered by neutrals on enemy ships in this area of war can not well be judged differently from accidents to which neutrals are at all times exposed at the seat of war on land when they betake themselves into dangerous localities in spite of previous warning.

If, however, it should not be possible for the American Government to acquire an adequate number of neutral passenger steamers, the Imperial Government is prepared to interpose no objections to the placing under the American flag by the American Government of four enemy passenger steamers for the passenger traffic between America and England. The assurances of "free and safe" passage for American passenger steamers would then be extended to apply under the identical pre-conditions to those formerly hostile passenger ships.

The President of the United States has declared his readiness, in a way deserving of thanks, to communicate and suggest proposals to the Government of Great Britain with particular reference to the alteration of maritime war. The Imperial Government will always be prepared to make use of the good offices of the President, and hopes that his efforts in the present case, as well as in the direction of the lofty ideal of the freedom of the seas, will lead to an understanding.

The undersigned requests the Ambassador to bring the above to the knowledge of the American Government, and avails himself (*etc.*).

VON JAGOW

118 **Defense of the German Cause in World War I**

German intellectuals played an important role in the formation of public opinion at the outset of World War I. The Manifesto of the German University Professors and Men of Science, from which extracts are reprinted below, was in effect an authoritative statement of the German case. Although drawn up by academicians, the document was signed by many eminent and influential men of affairs. Such petitions were drawn up with more than ordinary care. The one reprinted here was considered in Germany to be a fair presentation of the German position. The signers were astonished to find that their document was used in Allied countries as war propaganda against Germany.

Manifesto of the German Intellectuals, 1914 *

To the Civilized World!

As representatives of German Science and Art, we hereby protest to the civilized world against the lies and calumnies with which our enemies are endeavoring to stain the honor of Germany in her hard struggle for existence—in a struggle that has been forced on her.

The iron mouth of events has proved the untruth of the fictitious German defeats; consequently misrepresentation and calumny are all the more eagerly at work. As heralds of truth we raise our voices against these.

It is not true that Germany is guilty of having caused this war. Neither the people, the Government, nor the "Kaiser" wanted war. . . .

It is not true that we trespassed in neutral Belgium. It has been proved that France and England had resolved on such a trespass, and it has likewise been proved that Belgium had agreed to their doing so. It would have been suicide on our part not to have been beforehand.

It is not true that the life and property of a single Belgian citizen was injured by our soldiers without the bitterest defense having made it necessary. . . .

It is not true that our troops treated Louvain brutally. Furious inhabitants having treacherously fallen upon them in their quarters, our troops with aching hearts were obliged to fire a part of the town, as punishment. The greatest part of Louvain has been preserved. . . .

It is not true that our warfare pays no respects to international laws. It knows no undisciplined cruelty. But in the east, the earth is saturated with the blood of women and children unmercifully butchered by the wild Russian troops, and in the west, dum-dum bullets mutilate the breasts of our soldiers. . . .

It is not true that the combat against our so-called militarism is not a combat against our civilization, as our enemies hypocritically pretend it is. Were it not for German militarism, German civilization would long since have been extirpated. . . .

We cannot wrest the poisonous weapon—the lie—out of the hands

* *An die Kulturwelt!* (Manifesto of the Ninety-three German Intellectuals), from A. Morel-Fatio, *Les Versions allemande et française du manifeste des intellectuels allemands dit des Quatre-Vingt-Treize*, translated by David G. Rempel and Gertrude Rendtorff in Ralph Haswell Lutz (ed.), *Fall of the German Empire*, 1914-1918 (Stanford, 1932), I, 74-78, *passim*. By permission of the publishers, Stanford University Press. Copyright 1932 by the Board of Trustees of Leland Stanford Junior University.

the world and denounced as "the blackest deed of the war." From the German viewpoint, no law book in the world, least of all those dealing with war regulations, differentiated between males and females in the matter of espionage.

I Description by a German Chaplain *

I shrank into my inmost soul at the thought of such a duty [assisting Miss Cavell at her execution]. . . . She took men able to fight into her clinic under the protection of the Red Cross to enable them to reach Holland. She has herself confessed to having helped at least 250 to get over the frontier. That was equivalent to a platoon, which of course would fire on our soldiers. . . .

I sat next to Edith Cavell to accompany her to her own burial. She sat quietly at my side, and I did nothing else except repeat a line of Scripture or a verse of an English hymn. . . .

She was wonderfully calm. When we reached the place, a company of soldiers was drawn up, under the command of an officer. We clergymen led the accused to the front; the soldiers presented arms, and the sentence was read in French and German.

Mr. Baucq [*Belgian guide who was sentenced to death along with Miss Cavell*] called out, with a clear voice: "Comrades, in the presence of death we are all comrades!" He was not allowed to say more.

The last word was spoken to the accused by us clergymen. I thought it best to make this as short as possible. I took Miss Cavell's hand and said, in English of course: "The grace of our Lord Jesus Christ and the love of God and the Fellowship of the Holy Ghost be with thee now and for ever. Amen."

She returned the clasp of my hand, and answered something to this effect: "Tell Mr. Gahan to tell my loved ones later on that my soul, as I hope, is saved, and that I am glad to die for my country."

Then I led her a few steps to the pillar, to which she was loosely tied. A bandage was put over her eyes; the soldier told me they were full of tears.

Then some seconds passed—they seemed endless.

Then the sharp word of command was heard. Two volleys rang out at once. There were ten men, five paces distant. Without a sound, the accused sank to the ground.

* *The New York Times*, April 15, 1928

II Description by a German Doctor *

As chief doctor of the Brussels government, I was ordered to the trial and execution of Miss Cavell. I heard the trial from first to last word, frequently talked to Miss Cavell, certified her death, closed her eyes, and laid her in her coffin.

She was the bravest woman I have seen, was absolutely the heroine that her nation made of her, and went to her death with a bearing that was unforgettable.

Nevertheless, she died absolutely as the logical result of her own actions. She acted toward the Germans as a man, and was punished as a man.

120 The Zimmermann Note, 1917

On January 19, 1917, the German Foreign Secretary, Arthur Zimmermann, dispatched a note to the German Minister in Mexico, informing him that unrestricted submarine warfare would be renewed in the near future, but that continued efforts would be made to maintain the neutrality of the United States. If this failed, the Ambassador was to propose to Mexico an alliance providing for joint war against the United States. Mexico would be allowed, as reward, to regain some of the lands she lost in the Mexican war of the nineteenth century.

The Zimmermann note was intercepted and handed to the American Ambassador in London, Walter Hines Page, by the British Foreign Secretary, Arthur James Balfour. The dispatch was released to the public at a time when Congress was debating a measure to arm merchantmen. The note aroused widespread resentment in the United States and was responsible to some extent for the quickening of anti-German opinion, especially in the previously lukewarm Southwest. Although there was nothing illegal in Germany's search for additional allies in the event of war with the United States, it was, in effect, a blunder of

* *Berliner Tageblatt*, September, 1927.

the first magnitude. It helped immeasurably to crystallize American public opinion against Germany. Upon publication of the note on February 26, 1917, Zimmermann, far from attempting to disown it, sought to justify his action before the Reichstag.

Text of the Zimmermann Note, January 19, 1917 *

Berlin, January 19, 1917

On the first of February we intend to begin submarine warfare unrestricted. In spite of this, it is our intention to endeavor to keep neutral the United States of America.

If this attempt is not successful, we propose an alliance on the following basis with Mexico: That we shall make war together and together make peace. We shall give general financial support, and it is understood that Mexico is to reconquer the lost territory in New Mexico, Texas, and Arizona. The details are left to you for settlement.

You are instructed to inform the President of Mexico of the above in the greatest confidence as soon as it is certain that there will be an outbreak of war with the United States and suggest that the President of Mexico, on his own initiative, should communicate with Japan suggesting adherence at once to this plan; at the same time, offer to mediate between Germany and Japan.

Please call to the attention of the President of Mexico that the employment of ruthless submarine warfare now promises to compel England to make peace in a few months.

ZIMMERMANN

121 The Reichstag Peace Resolution, 1917

On July 19, 1917, when it became increasingly clear that Germany had little chance of winning the war, Matthias Erzberger, a Reichstag deputy who had once been a vociferous Pan-Germanist, introduced a peace resolution that was accepted by the majority in the Reichstag. Favoring a dignified negotiated peace while there was still time, the resolution was in strong contrast

* *Congressional Record*, LIV: 4596, March 1, 1917.

to the attitude of the Reichstag on the day of the outbreak of the war. The final paragraph, however, insisted that the Germans intended to fight until the end in the event they were not given a "peace of understanding."

Text of the Resolution, July 19, 1917 *

Today, August 4th—the threshold of a fourth year of war—the words of a speech from the throne hold true: "We are not motivated by a lust for conquest." Germany has taken up arms in defense of her freedom, her independence, and the integrity of her soil.

The Reichstag seeks a peace of understanding and a lasting reconciliation among peoples. Any violations of territory and political, economic, and financial oppression are incompatible with such a peace. The Reichstag rejects any scheme which proposes to impose economic barriers or the perpetuation of national hatreds after the war. The freedom of the seas must be secured. Only economic peace will prepare the way for the friendly relations of peoples. The Reichstag will actively promote the formation of international organizations of justice.

However, as long as the enemy governments disassociate themselves from such a peace, as long as they threaten Germany and her allies with conquest and domination, then so long shall the German people stand united and unshaken, and will fight until their right and the right of their allies to live and grow is made secure. Thus united, the German people cannot be conquered. The Reichstag is aware that in this sentiment it is at one with the men who fight courageously to protect the Fatherland. The undying gratitude of our peoples goes out to them.

122 The Treaty of Brest-Litovsk, 1918

The combination of military reverses, incompetent leadership, and popular disaffection led in March, 1917, to revolution in

* From the text passed by the German Reichstag, July 19, 1917, by 212 votes to 126.

Russia and her eventual retirement from the war. After the abdication of Nicholas II on March 15, 1917, the Provisional Government, led by Prince Lvov and Alexander Kerensky, attempted to continue the war, but the masses, tired of the military blundering and heavy losses at the front, gradually drifted to the left. After the November Revolution of 1917, Lenin, as head of the Bolshevik government, immediately declared a cessation of hostilities and opened peace negotiations with the Central Powers at Brest-Litovsk. The conference broke up in January for a time, because Lenin felt the German terms to be too harsh. Convinced that the Germans were prepared to march on Petrograd, Lenin finally gave in and accepted the terms. He reasoned that peace was necessary at all costs to allow the new Communistic experiment to begin.

The Treaty of Brest-Litovsk, dated March 3, 1918, completely dismembered European Russia for the benefit of the Central Powers. Russia was required to cede to Germany nearly all the territory she had acquired since the time of Peter the Great, and, in addition, to pay an indemnity of six billion marks. The treaty gave an indication of what was in store for the Allies had Germany won the war. Germans later complained that the Treaty of Versailles, which they termed a "Carthaginian Peace," deprived Germany of nearly one seventh of her European territory and about one tenth of her population. The Treaty of Brest-Litovsk cost the Russians 500,000 square miles and sixty-six million people.

**Text of the Brest-Litovsk Treaty Between Russia and Germany,
Austria-Hungary, Bulgaria, and Turkey, March 3, 1918 ***

ARTICLE I. Germany, Austria-Hungary, Bulgaria, and Turkey, for the one part, and Russia, for the other part, declare that the state of war between them has ceased. They are resolved to live henceforth in peace and amity with one another.

ARTICLE II. The contracting parties will refrain from any agitation or propaganda against the government or the public and military institutions of the other party. Insofar as this obligation devolves upon

* *Texts of the Russian "Peace"* (Washington, 1918), pp. 13-21.

Russia, it holds good also for the territories occupied by the Powers of the Quadruple Alliance.

ARTICLE III. The territories lying to the west of the line agreed upon by the contracting parties which formerly belonged to Russia, will no longer be subject to Russian sovereignty; the line agreed upon is traced on the map submitted as an essential part of this treaty of peace. The exact fixation of the line will be established by a Russo-German commission.

No obligations whatever toward Russia shall devolve upon the territories referred to, arising from the fact that they formerly belonged to Russia.

Russia refrains from all interference in the internal relations of these territories. Germany and Austria-Hungary propose to determine the future status of these territories in agreement with their population.

ARTICLE IV. As soon as a general peace is concluded and Russian demobilization is carried out completely, Germany will evacuate the territory lying to the east of the line designated in paragraph 1 of Article III, insofar as Article VI does not determine otherwise.

Russia will do all within her power to insure the immediate evacuation of the provinces of eastern Anatolia and their lawful return to Turkey.

The districts of Ardehan, Kars, and Batum will likewise and without delay be cleared of the Russian troops. Russia will not interfere in the reorganization of the national and international relations of these districts, but leave it to the population of these districts to carry out this reorganization in agreement with the neighboring states, especially with Turkey.

ARTICLE V. Russia will, without delay, carry out the full demobilization of her army inclusive of those units recently organized by the present government.

Furthermore, Russia will either bring her warships into Russian ports and there detain them until the day of the conclusion of a general peace, or disarm them forthwith. Warships of the states which continue in the state of war with the Powers of the Quadruple Alliance, insofar as they are within Russian sovereignty, will be treated as Russian warships.

The barred zone in the Arctic Ocean continues as such until the conclusion of a general peace. In the Baltic Sea, and, as far as Russian power extends within the Black Sea, removal of the mines will be proceeded with at once. Merchant navigation within these maritime

regions is free and will be resumed at once. Mixed commissions will be organized to formulate the more detailed regulations, especially to inform merchant ships with regard to restricted lanes. The navigation lanes are always to be kept free from floating mines.

ARTICLE VI. Russia obligates herself to conclude peace at once with the Ukrainian People's Republic and to recognize the treaty of peace between that state and the Powers of the Quadruple Alliance. The Ukrainian territory will, without delay, be cleared of Russian troops and the Russian Red Guard. Russia is to put an end to all agitation or propaganda against the government or the public institutions of the Ukrainian People's Republic.

Esthonia and Livonia will likewise, without delay, be cleared of Russian troops and the Russian Red Guard. The eastern boundary of Esthonia runs, in general, along the River Narya. The eastern boundary of Livonia crosses, in general, Lakes Peipus and Pskoy, to the southwestern corner of the latter, then across Lake Lubana in the direction of Livenhof on the Dvina. Esthonia and Livonia will be occupied by a German police force until security is insured by proper national institutions and until public order has been established. Russia will liberate at once all arrested or deported inhabitants of Esthonia and Livonia, and insures the safe return of all deported Esthonians and Livonians.

Finland and the Aaland Islands will immediately be cleared of Russian troops and the Russian Red Guard, and the Finnish ports of the Russian fleet and of the Russian naval forces. As long as the ice prevents the transfer of warships into Russian ports, only limited forces will remain on board the warships. Russia is to put an end to all agitation or propaganda against the government or the public institutions of Finland.

The fortresses built on the Aaland Islands are to be removed as soon as possible. As regards the permanent nonfortification of these islands as well as their further treatment in respect to military technical navigation matters, a special agreement is to be concluded between Germany, Finland, Russia, and Sweden; there exists an understanding to the effect that, upon Germany's desire, still other countries bordering upon the Baltic Sea would be consulted in this matter.

ARTICLE VII. In view of the fact that Persia and Afghanistan are free and independent States, the contracting parties obligate themselves to respect the political and economic independence and the territorial integrity of these States.

ARTICLE VIII. The prisoners of war of both parties will be re-

leased to return to their homeland. The settlement of the questions connected therewith will be effected through the special treaties provided for in Article XII.

ARTICLE IX. The contracting parties mutually renounce compensation for their war expenses, i.e., of the public expenditures for the conduct of the war, as well as compensation for war losses, i.e., such losses as were caused by them and their nationals within the war zones by military measures, inclusive of all requisitions effected in enemy country.

ARTICLE X. Diplomatic and consular relations between the contracting parties will be resumed immediately upon the ratification of the treaty of peace. As regards the reciprocal admission of consuls, separate agreements are reserved.

ARTICLE XI. As regards the economic relations between the Powers of the Quadruple Alliance and Russia the regulations contained in Appendices II-V are determinative. . . .

ARTICLE XII. The re-establishment of public and private legal relations, the exchange of war prisoners and interned civilians, the question of amnesty as well as the question anent the treatment of merchant ships which have come into the power of the opponent, will be regulated in separate treaties with Russia which form an essential part of the general treaty of peace, and, as far as possible, go into force simultaneously with the latter.

ARTICLE XIII. In the interpretation of this treaty, the German and Russian texts are authoritative for the relations between Germany and Russia, the German, the Hungarian, and Russian texts for the relations between Austria-Hungary and Russia; the Bulgarian and Russian texts for the relations between Bulgaria and Russia; and the Turkish and Russian texts for the relations between Turkey and Russia.

ARTICLE XIV. The present treaty of peace will be ratified. The documents of ratification shall, as soon as possible, be exchanged in Berlin. The Russian Government obligates itself, upon the desire of one of the Powers of the Quadruple Alliance, to execute the exchange of the documents of ratification within a period of two weeks. Unless otherwise provided for in its articles, in its annexes, or in the additional treaties, the treaty of peace enters into force at the moment of its ratification.

In testimony whereof the Plenipotentiaries have signed this treaty with their own hand.

Executed in quintuplicate at Brest-Litovsk, 3 March 1918.

123 Demands by the Social Democrats, 1918

As soon as the news of the projected Armistice reached Germany, the Social Democratic party announced five demands upon the government, failing which the party threatened to withdraw from the government. Under the leadership of Friedrich Ebert and Philipp Scheidemann, the Social Democrats became the liquidators of the German Empire. Suppressing the Spartacists, the Communist party, they proclaimed Germany a republic, and the Weimar Constitution was subsequently adopted.

Ultimatum by the Social Democrats, November 8, 1918 *

Workers, Party comrades! The peace is secured—in a few hours the Armistice will take effect.

Let there be no rash acts now which will give rise to further spilling of blood on the battlefields! The Social Democratic Party will do its utmost to see that your demands are fulfilled!

For this purpose the Executive Committee of the Social Democratic Party and the Social Democratic fraction have placed the following demands before the Reichstag.

1. Lifting of the ban against meetings.
2. Directions to the police and the military to use the utmost circumspection.
3. Abdication of the Kaiser and the Crown Prince before Friday noon.
4. Strengthening of Social Democratic influence in the government.
5. Reorganization of the Prussian ministry to conform with the majority principle of the Reichstag.

If no satisfactory reply is received by Friday noon, the Social Democratic party shall withdraw from the government.

Await further word from us during the afternoon of Friday.

**THE EXECUTIVE COMMITTEE OF THE SOCIAL
DEMOCRATIC PARTY AND THE SOCIAL DEMO-
CRATIC FRACTION IN THE REICHSTAG**

* *Vorwärts*, November 8, 1918

124 The Armistice, November 11, 1918

On November 11, 1918, *The New York Times* carried banner headlines:

ARMISTICE SIGNED, END OF THE WAR!
BERLIN SEIZED BY REVOLUTIONISTS!
NEW CHANCELLOR BEGS FOR ORDER:
OUSTED KAISER FLEES TO HOLLAND

On the same day, while the guns remained quiet on all the battlefronts, German newspapers carried the first news of the Armistice conditions. The report, quoted here from the *Kreuz-Zeitung*, was received by the German people with great dismay. The sentiment was widespread in Germany that the nation had laid down its arms on the basis of President Wilson's historic Fourteen Points, which, it was believed, would give Germany a satisfactory armistice and peace. Germany had been defeated on the battlefields, but the rumor soon spread that she had lost the war only because of treason on the home front committed by Social Democrats and Jews.

The Armistice Demands, November 10, 1918 *

1. Effective six hours after signing.
2. Immediate clearing of Belgium, France, Alsace-Lorraine, to be concluded within fourteen days. Any troops remaining in these areas to be interned or taken as prisoners of war.
3. Surrender of 5,000 cannon (chiefly heavy), 30,000 machine guns, 3,000 trench mortars, 2,000 planes.
4. Evacuation of the left bank of the Rhine, Mayence, Coblenz, Cologne, occupied by the enemy to a radius of 30 kilometers deep.
5. On the right bank of the Rhine a neutral zone from 30 to 40 kilometers deep, evacuation within eleven days.

* Official release by the German government, published in the *Kreuz-Zeitung*, November 11, 1918.

6. Nothing to be removed from the territory on the left bank of the Rhine, all factories, railroads, etc., to be left intact.
7. Surrender of 5,000 locomotives, 150,000 railway coaches, 10,000 trucks.
8. Maintenance of enemy occupation troops in Germany.
9. In the East all troops to withdraw behind the boundaries of August 1, 1914, fixed time not given.
10. Renunciation of the Treaties of Brest-Litovsk and Bucharest.
11. Unconditional surrender of East Africa.
12. Return of the property of the Belgian Bank, Russian and Rumanian gold.
13. Return of prisoners of war without reciprocity.
14. Surrender of 160 U-boats, 8 light cruisers, 6 dreadnoughts; the rest of the fleet to be disarmed and controlled by the Allies in neutral or Allied harbors.
15. Assurance of free transit through the Cattegat Sound; clearance of mine-fields and occupation of all forts and batteries, through which transit could be hindered.
16. The blockade remains in effect. All German ships to be captured.
17. All limitations by Germany on neutral shipping to be removed.
18. Armistice lasts thirty days.

125 The Flight and Abdication of William II, 1918

The young German prince who became William II, Supreme War Lord of World War I, was born with a withered left arm. In all probability, this permanent physical disability gave him a sense of inferiority, for which he overcompensated by self-assertiveness, blustering, and pomposity, to hide a deep timidity and self-consciousness. William's father had this to say about his son's character: "He is inclined to form his judgments far too speedily, lacks maturity, and has a tendency toward overweening pride."

William II idolized the Prussian Army, created a big Navy, and eventually became the sworn enemy of liberalism, democracy, and socialism. He made fiery speeches to his troops emphasizing the importance of "the grand baptism of fire," "the imperishable history of the Army," and "the good old Prussian spirit." He believed himself to be a ruler by divine-right: "I regard my whole position as given to me direct from heaven, and I have been called by the Highest to do his work; by One to whom I must one day render an account." He announced to the Army: "I solemnly promise always to remember that the eyes of my ancestors are looking down upon me from the other world, and that I shall one day have to render account of the glory and honor of the Army." To the Germans, William II was the living symbol of Teutonic greatness, behind whom they could confidentially march to their place in the sun.

On November 10, 1918, when it became obvious that World War I was irretrievably lost, William took to flight across the Dutch border. The first account below, describes William's flight from Spa, Belgium, to Holland. It is followed by William's abdication proclamation.

I William II's Flight As Reported by a German Newspaperman *

On Tuesday, October 29th, at 2:30 P.M., I received from the castle an order to come immediately. Arrived at the castle, I received a commission to prepare, with the personnel appointed to me, to start at eleven o'clock at night from Wildpark Station, to make the journey to Spa in the court train. I arranged provisions for about ten days from the castle's war store, where enormous treasures of food of every description are stocked.

On October 30th, at four o'clock in the afternoon, we entered Spa. The Kaiser and his suite of sixteen gentlemen, with about forty-five servants, continued to reside in the train. On November 3d the Kaiser undertook a journey to the front at Alost, in North Belgium. We left this station with some delay. Had we remained, we should have been no more, for ten minutes after the court train's departure (the Kaiser with some of the suite had left in motor cars) the station was bombed by French airmen and completely ruined, also a munition transport

* In the *Berliner Vorwärts*, December 6, 1918.

and hospital train full of sick and wounded. On the return journey we saw six enemy airmen still above our train, but we were lucky, as they had thrown all their bombs at Alost. We returned to Spa about midday.

On November 4th we were informed that we should leave that evening for Berlin. Our joy was great, but things turned out differently. The Kaiser had not complied with the request of the General Staff to retire from Spa as quickly as possible, as his presence occasioned fears of the worst, but had taken up his quarters in the Villa Fraineuse, where he had previously lived.

I had to contend with all sorts of things in the train. The couriers, who should have brought fresh provisions, meat, game, vegetables, etc., from Berlin, had not arrived. What was I to do? I told a court official that he must see that the necessary provisions were obtained. This was done to a limited extent.

On Saturday, November 9th, at six o'clock in the evening, we received news in the train that the Kaiser was coming down with all his suite, and would remain in the train. What did that mean? we asked ourselves. After some reflection we arrived at the right conclusion—flight.

About ten, when the Kaiser had left the restaurant car, I was instructed to have a traveling breakfast ready early the following morning for the Kaiser, six gentlemen of his suite, and about eight members of the traveling service; and about 4.30 the first breakfast must be ready, as at five o'clock motor cars for the further journey (the flight to Holland) would be ready.

The Kaiser left the train at five o'clock in the morning (November 10th) and fled in motor cars across the Dutch frontier, and we followed in the train, reaching Eysden about ten. Scarcely had the train stopped when we heard people belonging to a factory situated opposite the train asking the mocking question whether we wanted to go to Paris, for, if so, we must take the opposite direction.

On Monday, the 11th, at 9.10 A.M., we left Eysden for Maarn, via Maastricht. Our experiences during this journey were simply indescribable. Every single station that we passed swarmed like an ant heap, with people endeavoring to surpass each other in howling and hissing, holding up their hands, showing their tongues, spitting, and so on. We reached Maarn station at three o'clock in the afternoon, the Kaiser being received by Count Bentinck at Amerongen.

He seems to feel very comfortable there, for he rides and tours in a motor car as at home; indeed, the gamekeeper told us that the only thing lacking in the Count's castle is dancing.

We arrived at our place of banishment at Amerongen at eight o'clock, and found a very good reception in a small hotel boarding-house, and had supper. We went to our rooms, all of which were without stoves and very cold, but we said to ourselves that it was better than an internment camp. We remained in these quarters, very comfortably looked after by the lady of the house, until the 17th, when K. entered my room early and asked whether I had heard four shots during the night. I answered in the negative. He replied: "Yes, yes, here we sit like a mouse in a trap." Thereupon I said that every mouse that is caught endeavors to escape from the trap. I also should try. He thought there was nothing to prevent this; but I should leave at my own risk. This I did, and through the German Legation at The Hague I was able to steer for home, and in this brilliantly succeeded.

William II had agreed to abdicate his throne as German Kaiser on the day of his flight to Holland, but, at the same time, he refused persistently to abdicate as King of Prussia. It was not until November 28, 1918, that he issued a proclamation fully renouncing all his sovereign rights.

II Abdication Proclamation of William II, November 28, 1918 *

I herewith renounce for all time claims to the Throne of Prussia and to the German Imperial Throne connected therewith. At the same time I release all officials of the German Empire and of Prussia, as well as all officers, noncommissioned officers and men of the Navy and of the Prussian Army, as well as the troops of the federated states of Germany, from the oath of fidelity which they tendered to me as their Emperor, King, and Commander-in-Chief. I expect of them that until the re-establishment of order in the German Empire they shall render assistance to those in actual power in Germany, in protecting the German people from the threatening dangers of anarchy, famine, and foreign rule.

Proclaimed under our own hand and with the Imperial Seal attached.

Amerongen, 28 November, 1918

[Signed] WILLIAM

* F. Purlitz, *Die deutsche Revolution* (Berlin, n.d.), I, 32.

126 **The Failure of the Extreme Left in the German Revolution, 1918–1919**

The establishment of a German Republic in 1918–1919 was complicated by the existence of a revolutionary movement, inspired by Bolshevism, which became known as “Spartacist,” after the pseudonym of its leader, Karl Liebknecht. As Communists, the Spartacists were as much opposed to a liberal or socialist republic as they had been to the old imperial Germany. They proclaimed “the dictatorship of the proletariat” and established councils in imitation of the soviets in Russia.

The manifesto quoted below, which gave the Spartacist position, was composed by Klara Zetkin; Franz Mehring, a revolutionary essayist; Rosa Luxemburg, who, despite her German citizenship, had been born in Poland; and Karl Liebknecht, whose father, Wilhelm Liebknecht, had been a leader of the German Social Democratic party.

In January, 1919, the Spartacists, convinced that Friedrich Ebert and the Social Democrats were paralyzed in their revolutionary and parliamentary activities, rose in rebellion. The government, supported by such conservative elements as the army officers, aristocrats, and industrial leaders, mercilessly suppressed the uprising, during the course of which both Rosa Luxemburg and Karl Liebknecht were killed. Although a huge crowd gathered in the center of Berlin on January 6, 1919, its Communist leaders failed to appear, and the movement disintegrated. Six weeks later, Kurt Eisner, who had established a “Socialist Republic” in Bavaria, was assassinated by a counterrevolutionary student. The conservative classes, now having some confidence in the Ebert-Scheidemann regime, supported the establishment of a federal republic.

Text of the Spartacus Manifesto *

PROLETARIANS! MEN AND WOMEN OF LABOR!
COMRADES!

The revolution has made its entry into Germany. The masses of the soldiers, who for four years were driven to the slaughterhouse for the sake of capitalistic profits, the masses of workers, who for four years were exploited, crushed, and starved, have revolted. That fearful tool of oppression—Prussian militarism, that scourge of humanity—lies broken on the ground. Its most noticeable representatives, and therewith the most noticeable of those guilty of this war, the Kaiser and the Crown Prince, have fled from the country. Workers' and Soldiers' Councils have been formed everywhere

Proletarians of all countries, we do not say that in Germany all the power has really been lodged in the hands of the working people, that the complete triumph of the proletarian revolution has already been attained. There still sit in the government all those Socialists who in August, 1914, abandoned our most precious possession, the International, who for four years betrayed the German working class and at the same time the International.

But, proletarians of all countries, now the German proletarian himself is speaking to you. We believe we have the right to appeal before your forum in his name. From the first day of this war we endeavored to do our international duty by fighting that criminal government with all our power, and branding it as the one really guilty of the war.

Now, at this moment, we are justified before history, before the International, and before the German proletariat. The masses agree with us enthusiastically; constantly widening circles of the proletariat share the knowledge that the hour has struck for a settlement with capitalist class rule.

But this great task cannot be accomplished by the German proletariat alone; it can fight and triumph only by appealing to the solidarity of the proletarians of the whole world.

Comrades of the belligerent countries, we are aware of your situation. We know very well that your governments, now since they have won the victory, are dazzling the eyes of many strata of the people with the external brilliancy of this triumph. We know that they thus succeed through the success of the murdering in making its causes and aims forgotten. . . .

* *Die Rote Fahne* (organ of the Spartacus party), Berlin, November 26, 1918; quoted in *The New York Times*, November 29, 1918.

The imperialism of all countries knows no "understanding"; it knows only one right—capital's profits; it knows only one language—the sword; it knows only one method—violence. And if it is now talking in all countries, in yours as well as ours, about the "League of Nations," "disarmament," "rights of small nations," "self-determination of the peoples," it is merely using the customary lying phrases of the rulers for the purpose of lulling to sleep the watchfulness of the proletariat.

Proletarians of all countries! This must be the last war! We owe that to the twelve million murdered victims; we owe that to our children; we owe that to humanity.

Europe has been ruined through the infamous international murder. Twelve million bodies cover the gruesome scenes of the imperialistic crime. The flower of youth and the best men of the peoples have been mowed down. Uncounted productive forces have been annihilated. Humanity is almost ready to bleed to death from the blood-letting. Victors and vanquished stand at the edge of the abyss. Humanity is threatened with the most dreadful famine, a stoppage of the entire mechanism of production, plagues, and degeneration.

The great criminals of this fearful anarchy, of this chaos let loose—the ruling classes—are not able to control their own creation. The beast of capital that conjured up the hell of the world war is not capable of banishing it again, of restoring real order, of insuring bread and work, peace and civilization, justice and liberty, to tortured humanity.

What is being prepared by the ruling classes as peace and justice is only a new work of brutal force from which the hydra of oppression, hatred, and fresh bloody wars raises its thousand heads

Socialism alone is in a position to complete the great work of permanent peace, to heal the thousand wounds from which humanity is bleeding, to transform the plains of Europe, trampled down by the apocryphal horsemen of war, into blossoming gardens, to conjure up ten productive forces for every one destroyed, to awaken all the physical and moral energies of humanity, and to replace hatred and dissension with fraternal solidarity, harmony, and respect for every human being. . . .

Proletarians of all countries, when we now summon you to a common struggle, it is not done for the sake of the German capitalists who, under the label of "German nation," are trying to escape the consequences of their own crimes; it is being done for our sake as well as yours. Remember that your victorious capitalists stand ready to

suppress in blood our revolution, which they fear as their own. You yourselves have not become any freer through the "victory," you have only become still more enslaved. If your ruling classes succeed in throttling the proletarian revolution in Germany, as well as in Russia, then they will turn against you with redoubled violence. Your capitalists hope that victory over us and over revolutionary Russia will give them the power to scourge you with a whip of scorpions and to erect the thousand-year empire of exploitation upon the grave of socialism.

Therefore the proletariat of Germany is looking toward you in this hour. Germany is pregnant with the social revolution, but socialism can be realized only by the proletariat of the world.

And therefore we call to you: "Arise for the struggle! Arise for action! The time for empty manifestoes, platonic resolutions, and high-sounding words has gone by! The hour of action has struck for the International!" We ask you to elect Workers' and Soldiers' Councils everywhere that will seize political power and, together with us, will restore peace.

Not Lloyd George and Poincaré, not Sonnino, Wilson, and Erzberger or Scheidemann; these must not be allowed to make peace. Peace is to be concluded under the waving banner of the socialist world revolution.

Proletarians of all countries! We call upon you to complete the work of socialist liberation, to give a human aspect to the disfigured world, and to make true those words with which we often greeted each other in the old days and which we sang as we parted: "And the International shall be the human race."

127 The Treaty of Versailles, 1919

At the Peace Conference after World War I, thirty-two nations were faced with the stupendous task of mending a shattered world after the most destructive war in history to that time. President Wilson's idealistic peace program came into sharp conflict with the interests of the coldly realistic victors. It was an extraordinarily difficult task to effect a reasonable peace settlement in the presence of conflicting nationalistic ambitions,

bitterness in the Allied countries, and the popular desire for reparations.

On June 28, 1919, the fifth anniversary of the assassination of the Archduke Francis Ferdinand of Austria-Hungary, a German delegation reluctantly signed the Treaty of Versailles in the Hall of Mirrors in the palace of Versailles, where, in 1871, the German Empire had been proclaimed. The delegates, recalling that Germany had laid down her arms on the basis of the Wilsonian Fourteen Points, protested that the draft treaty stood "in full and irreconcilable conflict to the basis agreed upon for a lasting peace of right." But ratifications were exchanged on January 10, 1920, thus bringing the treaty into effect.

In Germany the Treaty of Versailles was widely regarded as a "Carthaginian Peace," dictated by the victors and designed to destroy Germany. Every political party, from right to left, denounced it as the prime cause of Germany's misery. On August 25, 1921, the same day that Germany and the United States formally concluded peace, Matthias Erzberger, the Finance Minister of the government that had signed the Treaty of Versailles, was assassinated by two troopers of the irregular nationalist organization, the Free Corps.

The Treaty of Versailles comprised fifteen parts, including one hundred and forty-four articles and nearly a score of annexes. The extracts below, from Part V, concern the military, naval, and air clauses, which were designed to disarm Germany and prevent her from waging future wars. These clauses were violated in one way or another from the very beginning. The territorial clauses—transfer of German colonies to the Allied Powers as mandates; cession of Alsace-Lorraine to France; cession (after a plebiscite) of Eupen, Malmédy, and Moresnet to Belgium; cession of the Polish Corridor to Poland; cession of Memel to the Allies, and of North Schleswig to Denmark (after another plebiscite); provision for a plebiscite in Upper Silesia—could not be changed without further warfare, which Hitler attempted in 1939. Clauses on the Rhineland forbade Germany "to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn fifty kilometers to the east of the Rhine" (Article 42), and provided for Allied occupation of the German territory to the west of the Rhine for fifteen years (Article 428).

Extracts from Military, Naval, and Air Clauses *

PART V

In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow.

SECTION I: MILITARY CLAUSES

CHAPTER I: EFFECTIVES AND CADRES OF THE GERMAN ARMY

ARTICLE 159. The German military forces shall be demobilized and reduced as prescribed hereinafter.

ARTICLE 160. (1) By a date which must not be later than March 31, 1920, the German Army must not comprise more than seven divisions of infantry and three divisions of cavalry.

After that date the total number of effectives in the Army of the States constituting Germany must not exceed one hundred thousand men, including officers and establishments of depots. The Army shall be devoted exclusively to the maintenance of order within the territory and to the control of the frontiers.

The total effective strength of officers, including the personnel of staffs, whatever their composition, must not exceed four thousand.

(2) Divisions and Army Corps headquarters staffs shall be organised in accordance with Table No. 1 annexed to this Section

The number and strengths of the units of infantry, artillery, engineers, technical services and troops laid down in the aforesaid Table constitute maxima which must not be exceeded.

The following units may each have their own depot:

- An Infantry regiment;
- A Cavalry regiment;
- A regiment of Field Artillery;
- A battalion of Pioneers.

(3) The divisions must not be grouped under more than two army corps headquarters staffs.

The maintenance or formation of forces differently grouped or of other organisations for the command of troops or for preparation for war is forbidden.

* Great Britain, *Parliamentary Papers, 1919 Treaty of Peace between the Allied and Associated Powers and Germany*, signed at Versailles, 28th of June, 1919. Vol LIII, Cmd. 153.

The Great German General Staff and all similar organisations shall be dissolved and may not be reconstituted in any form. . . .

CHAPTER II: ARMAMENT, MUNITIONS AND MATERIAL

ARTICLE 168. The manufacture of arms, munitions, or any war material, shall only be carried out in factories or works the location of which shall be communicated to and approved by the Governments of the Principal Allied and Associated Powers, and the number of which they retain the right to restrict.

Within three months from the coming into force of the present Treaty, all other establishments for the manufacture, preparation, storage or design of arms, munitions, or any war material whatever shall be closed down. The same applies to all arsenals except those used as depots for the authorised stocks of munitions. Within the same period the personnel of these arsenals will be dismissed. . . .

ARTICLE 170. Importation into Germany of arms, munitions and war material of every kind shall be strictly prohibited.

The same applies to the manufacture for, and export to, foreign countries of arms, munitions and war material of every kind

ARTICLE 171. The use of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices being prohibited, their manufacture and importation are strictly forbidden in Germany.

The same applies to materials specially intended for the manufacture, storage and use of the said products or devices

The manufacture and the importation into Germany of armoured cars, tanks and all similar constructions suitable for use in war are also prohibited. . . .

SECTION II: NAVAL CLAUSES

ARTICLE 181. After the expiration of a period of two months from the coming into force of the present Treaty the German naval forces in commission must not exceed:

6 battleships of the *Deutschland* or *Lothringen* type,

6 light cruisers,

12 destroyers,

12 torpedo boats,

or an equal number of ships constructed to replace them. . . .

No submarines are to be included.

All other warships, except where there is provision to the contrary in the present Treaty, must be placed in reserve or devoted to commercial purposes. . . .

ARTICLE 183. After the expiration of a period of two months from the coming into force of the present Treaty the total personnel of the German Navy, including the manning of the fleet, coast defences, signal stations, administration and other land services, must not exceed fifteen thousand, including officers and men of all grades and corps.

The total strength of officers and warrant officers must not exceed fifteen hundred.

Within two months from the coming into force of the present Treaty the personnel in excess of the above strength shall be demobilised.

No naval or military corps or reserve force in connection with the Navy may be organised in Germany without being included in the above strength. . . .

ARTICLE 191. The construction or acquisition of any submarine, even for commercial purposes, shall be forbidden in Germany.

SECTION III: AIR CLAUSES

ARTICLE 198. The armed forces of Germany must not include any military or naval air forces.

Germany may, during a period not extending beyond October 1, 1919, maintain a maximum number of one hundred seaplanes or flying boats, which shall be exclusively employed in searching for submarine mines, shall be furnished with the necessary equipment for this purpose, and shall in no case carry arms, munitions or bombs of any nature whatever.

In addition to the engines installed in the seaplanes or flying boats above mentioned, one spare engine may be provided for each engine of each of these craft.

No dirigible shall be kept. . . .

SECTION IV: INTER-ALLIED COMMISSIONS OF CONTROL

ARTICLE 203. All the military, naval and air clauses contained in the present Treaty, for the execution of which a time-limit is prescribed, shall be executed by Germany under the control of Inter-Allied Commissions specially appointed for this purpose by the Principal Allied and Associated Powers.

ARTICLE 204. The Inter-Allied Commissions of Control will be specially charged with the duty of seeing to the complete execution of the delivery, destruction, demolition and rendering things useless

to be carried out at the expense of the German Government in accordance with the present Treaty.

They will communicate to the German authorities the decisions which the Principal Allied and Associated Powers have reserved the right to take, or which the execution of the military, naval and air clauses may necessitate. . . .

PART VI

The Weimar Republic

128 **The Weimar Constitution, 1919**

After the German imperial government had been overthrown and the Communist Spartacist revolt put down by force, Germans over nineteen years of age went to the polls on January 19, 1919, to elect a National Constituent Assembly. More than thirty million men and women elected 423 representatives, with the Majority Socialists leading with 165 seats, the Centrists second with 91 seats, and the Democrats third with 75 seats. The Assembly was controlled by these three top groups (the "Weimar Coalition") out of a dozen or more parties.

The National Constituent Assembly convened at Weimar on February 6, 1919. Weimar was chosen for sentimental reasons: It was believed that the spirit of Goethe had triumphed finally over that of Frederick the Great's Potsdam. The Assembly's sessions were turned by the German nationalists into riotous brawls. After electing Friedrich Ebert as President of the Republic (February 11th), the Assembly began to discuss the Constitution drafted by Dr. Hugo Preuss, a professor of constitutional law and Minister of the Interior. The article causing most heated discussion, that relating to the national colors, was settled by a compromise. The document, passed on July 31st at its third reading, went into effect on August 11, 1919, as the fundamental law of the German Republic.

The Weimar Constitution was a letter-perfect document, seem-

ingly embodying the best features of the British Bill of Rights, the French Declaration of the Rights of Man, and the first Ten Amendments of the American Constitution. However, this magnificent Constitution planned for every contingency except that of preserving itself. Article 48, the "suicide clause," empowered the President to assume dictatorial powers in an emergency. This escape clause proved to be of inestimable value to Hitler later on.

The Weimar Constitution, "the formulation of a stalemate," was a compromise that accepted the outward forms of democracy but breathed no life into the form that had been created. It was attacked bitterly from both the Right and the Left.

The Weimar Republic was burdened by difficulties from its inception. The Social Democratic party had a program, but, in action, it was pitifully impotent. Its leaders, though undeniably men of good intentions, were unable adequately to meet the responsibilities placed upon them: the liquidation of the war, the Treaty of Versailles, reparations, the Ruhr invasion, the collapse of the mark, and the catastrophic decline of the middle class. These men were ruined in public opinion because they had been forced to accept the mission of advocating the conditions that had been imposed upon their fellow citizens. The victorious Allies, who had demanded a German democratic state, now gave but grudging assistance to the fledgling republic. In the Allied countries the suspicion persisted that the Germans had not willingly broken with their imperialist and militaristic past and that the Weimar Republic was devised merely as a necessary expedient in troublous times.

Extracts from the Constitution of the German Republic,
August 11, 1919 *

Preamble:

The German people, united in all their racial elements, and inspired by the will to renew and strengthen their Reich in liberty and justice, to preserve peace at home and abroad and to foster social progress, have established the following Constitution:

* Translated from *Die Verfassung des Deutschen Reiches vom 11. August 1919*, the official text of the 7th ed. (Leipzig, 1930).

CHAPTER I: STRUCTURE AND FUNCTIONS OF THE REICH

SECTION I: REICH AND STATES

ARTICLE 1. The German Reich is a Republic. Political authority emanates from the people.

ARTICLE 2. The territory of the Reich consists of the territories of the German member states. . . .

ARTICLE 3. The Reich colors are black, red, and gold. The merchant flag is black, white, and red, with the Reich colors in the upper inside corner.

ARTICLE 4. The generally accepted rules of international law are to be considered as binding integral parts of the German Reich.

ARTICLE 5. Political authority is exercised in national affairs by the national government in accordance with the Constitution of the Reich, and in state affairs by the state governments in accordance with state constitutions. . . .

ARTICLE 12. Insofar as the Reich does not exercise its jurisdiction, such jurisdiction remains with the states . . . with the exception of cases in which the Reich possesses exclusive jurisdiction. . . .

ARTICLE 17. Every state must have a republican constitution. The representatives of the people must be elected by universal, equal, direct, and secret suffrage of all German citizens, both men and women, in accordance with the principles of proportional representation.

SECTION II: THE REICHSTAG

ARTICLE 20. The Reichstag is composed of the delegates of the German people.

ARTICLE 21. The delegates are representatives of the whole people. They are subject only to their own conscience and are not bound by any instructions.

ARTICLE 22. The delegates are elected by universal, equal, direct, and secret suffrage by men and women over twenty years of age, according to the principle of proportional representation. Election day must be a Sunday or a public holiday.

Article 23. The Reichstag is elected for four years. New elections must take place at the latest on the sixtieth day after this term has run its course. . . .

Article 32. For decisions of the Reichstag a simple majority vote

is necessary, unless the Constitution prescribes another proportion of votes. . . .

ARTICLE 33. The Reichstag and its committees may require the presence of the Reich Chancellor and every Reich Minister. . . .

SECTION III: THE REICH PRESIDENT AND THE REICH CABINET

ARTICLE 41. The Reich President is elected by the whole German people. Every German who has completed his thirty-fifth year is eligible for election. . . .

Article 42. On assuming office, the Reich President shall take the following oath before the Reichstag:

I swear to devote my energies to the well-being of the German people, to further their interests, to guard them from injury, to maintain the Constitution and the laws of the Reich, to fulfill my duties conscientiously, and to administer justice for all.

It is permissible to add a religious affirmation.

ARTICLE 43. The term of office of the Reich President is seven years. Re-election is permissible.

Before the expiration of his term, the Reich President, upon motion of the Reichstag, may be recalled by a popular vote. The decision of the Reichstag shall be by a two-thirds majority. Through such decision the Reich President is denied any further exercise of his office. The rejection of the recall motion by the popular referendum counts as a new election and results in the dissolution of the Reichstag.

ARTICLE 48. If any state does not fulfill the duties imposed upon it by the Constitution or the laws of the Reich, the Reich President may enforce such duties with the aid of the armed forces.

In the event that the public order and security are seriously disturbed or endangered, the Reich President may take the measures necessary for their restoration, intervening, if necessary, with the aid of the armed forces. For this purpose he may temporarily abrogate, wholly or in part, the fundamental principles laid down in Articles 114, 115, 117, 118, 123, 124, and 153.

The Reich President must, without delay, inform the Reichstag of all measures taken under Paragraph 1 or Paragraph 2 of this Article. These measures may be rescinded on demand of the Reichstag. . . .

ARTICLE 50. All orders and decrees of the Reich President, including those relating to the armed forces, must, in order to be valid,

be countersigned by the Reich Chancellor or by the appropriate Reich Minister. Responsibility is assumed through the countersignature. . . .

ARTICLE 52. The Reich Cabinet consists of the Reich Chancellor and the Reich Ministers.

ARTICLE 53. The Reich Chancellor and, on his recommendation, the Reich Ministers, are appointed and dismissed by the Reich President.

ARTICLE 54. The Reich Chancellor and the Reich Ministers require for the exercise of their office the confidence of the Reichstag. Any one of them must resign if the Reichstag by formal resolution withdraws its confidence.

ARTICLE 55. The Reich Chancellor presides over the government of the Reich and conducts its affairs according to the rules of procedure laid down by the government of the Reich and approved by the Reich President.

ARTICLE 56. The Reich Chancellor determines the political program of the Reich and assumes responsibility to the Reichstag. Within this general policy each Reich Minister conducts independently the office entrusted to him and is held individually responsible to the Reichstag.

SECTION IV: THE REICHSRAT

ARTICLE 60. A Reichsrat is formed to give the German states representation in the law-making and administration of the Reich.

ARTICLE 61. Each state has at least one vote in the Reichsrat. In the case of the larger states one vote shall be assigned for every million inhabitants.* . . . No single state shall have more than two fifths of the total number of votes. . . .

ARTICLE 63. The states shall be represented in the Reichsrat by members of their governments. . . .

SECTION V: REICH LEGISLATION

ARTICLE 68. Bills are introduced by the Reich cabinet, with the concurrence of the Reichsrat, or by members of the Reichstag. Reich laws shall be enacted by the Reichstag. . . .

ARTICLE 73. A law of the Reichstag must be submitted to popular referendum before its proclamation, if the Reich President, within one month of its passage, so decides. . . .

ARTICLE 74. The Reichsrat may protest against laws passed by the Reichstag. In case of such protest, the law is returned to the

* Amended by law of March 24, 1921, to "every 700,000 inhabitants."

Reichstag, which may override the objection by a two-thirds majority. The Reich President must either promulgate the law within three months or call for a referendum. . . .

ARTICLE 76. The Constitution may be amended by law, but acts . . . amending the Constitution can only take effect if two thirds of the legal number of members are present and at least two thirds of those present consent. . . .

SECTION VI: THE REICH ADMINISTRATION

[Articles 78–101 cover the jurisdiction of the Reich Administration in such matters as foreign affairs, national defense, colonial policies, customs, national budgets, postal and telegraph services, railroads, and waterways.]

SECTION VII: ADMINISTRATION OF JUSTICE

[Articles 102–108 provide for a hierarchy of Reich and state courts, with judges appointed by the Reich President for life.]

CHAPTER II: FUNDAMENTAL RIGHTS AND DUTIES OF THE GERMANS

SECTION I: THE INDIVIDUAL

ARTICLE 109. All Germans are equal before the law. Men and women have the same fundamental civil rights and duties. Public legal privileges or disadvantages of birth or of rank are abolished. Titles of nobility . . . may be bestowed no longer. . . . Orders and decorations shall not be conferred by the state. No German shall accept titles or orders from a foreign government.

ARTICLE 110. Citizenship of the Reich and the states is acquired in accordance with the provisions of a Reich law. . . .

ARTICLE 111. All Germans shall enjoy liberty of travel and residence throughout the whole Reich. . . .

ARTICLE 112. Every German is permitted to emigrate to a foreign country. . . .

ARTICLE 114. Personal liberty is inviolable. Curtailment or deprivation of personal liberty by a public authority is permissible only by authority of law.

Persons who have been deprived of their liberty must be informed at the latest on the following day by whose authority and for what

reasons they have been held. They shall receive the opportunity without delay of submitting objections to their deprivation of liberty.

ARTICLE 115. The house of every German is his sanctuary and is inviolable. Exceptions are permitted only by authority of law. . . .

ARTICLE 117. The secrecy of letters and all postal, telegraph, and telephone communications is inviolable. Exceptions are inadmissible except by national law.

ARTICLE 118. Every German has the right, within the limits of the general laws, to express his opinion freely by word, in writing, in print, in picture form, or in any other way. . . . Censorship is forbidden. . . .

SECTION II. THE GENERAL WELFARE

ARTICLE 123. All Germans have the right to assembly peacefully and unarmed without giving notice and without special permission. . . .

ARTICLE 124. All Germans have the right to form associations and societies for purposes not contrary to the criminal law. . . .

ARTICLE 126. Every German has the right to petition. . . .

SECTION III: RELIGION AND RELIGIOUS SOCIETIES

ARTICLE 135. All inhabitants of the Reich enjoy full religious freedom and freedom of conscience. The free exercise of religion is guaranteed by the Constitution and is under public protection. . . .

ARTICLE 137. There is no state church. . . .

SECTION IV: EDUCATION AND THE SCHOOLS

ARTICLE 142. Art, science, and the teaching thereof are free. . . .

ARTICLE 143. The education of the young is to be provided for by means of public institutions. . . .

ARTICLE 144. The entire school system is under the supervision of the state. . . .

ARTICLE 145. Attendance at school is compulsory. . . .

SECTION V: ECONOMIC LIFE

ARTICLE 151. The regulation of economic life must be compatible with the principles of justice, with the aim of attaining humane conditions of existence for all. Within these limits the economic liberty of the individual is assured. . . .

ARTICLE 152. Freedom of contract prevails . . . in accordance with the laws. . . .

ARTICLE 153. The right of private property is guaranteed by the Constitution. . . . Expropriation of property may take place . . . by due process of law. . . .

ARTICLE 159. Freedom of association for the preservation and promotion of labor and economic conditions is guaranteed to everyone and to all vocations. All agreements and measures attempting to restrict or restrain this freedom are unlawful. . . .

ARTICLE 161. The Reich shall organize a comprehensive system of [social] insurance. . . .

ARTICLE 165. Workers and employees are called upon to cooperate, on an equal footing, with employers in the regulation of wages and of the conditions of labor, as well as in the general development of the productive forces. . . .

CONCLUDING PROVISIONS

ARTICLE 181. . . . The German people have passed and adopted this Constitution through their National Assembly. It comes into force with the date of its proclamation.

Schwarzburg, August 11, 1919.

The Reich President
EBERT

The Reich Cabinet
BAUER

ERZBERGER	HERMANN MÜLLER	DR. DAVID
	NOSKE	SCHMIDT
SCHLICKE	GIESBERTS	DR. BAYER
	DR. BELL	

129 The Birth of the National Socialist Movement, 1920

On September 19, 1919, Adolf Hitler, disgruntled war veteran and fanatical nationalist, became member No. 7 of a small,

obscure political group in Munich called "The German Workers' Party," a remnant of the once-powerful Pan-Germanic Fatherland party. The first public meeting of this new organization was held at a Munich beer hall on February 24, 1920. Although Hitler was not the party leader at this time, he delivered a speech in which he demanded that the program drawn up by leaders of the group be adopted. He dared anyone in his audience to speak against the document.

The Twenty-Five Point Program was the work of Anton Drexler, a bespectacled toolmaker who had originated the idea of founding a nationalist-minded workers' party; Gottfried Eckart, a journalist and editor of the *Völkischer Beobachter*, which was later to become the official Nazi party newspaper; and Hitler. The latter later wrote: "When I finally closed the meeting, we were not alone in feeling that a wolf had been born which was destined to break into the herd of swindlers and misleaders of the people."

The party program was officially proclaimed on February 25, 1920.

The Twenty-Five Points of the German Workers' Party, 1920 *

The program of the German Workers' Party is limited as to period. The leaders have no intention, once the aims announced in it have been achieved, of setting up fresh ones, merely in order to increase the discontent of the masses artificially, and so ensure the continued existence of the party.

1. We demand the union of all Germans to form a Great Germany on the basis of the right of self-determination enjoyed by nations.
2. We demand equality of rights for the German people in its dealings with other nations, and abolition of the peace treaties of Versailles and Saint-Germain.
3. We demand land and territory (colonies) for the nourishment of our people and for settling our excess population.

* Raymond E. Murphy, ed., *National Socialism*, U.S. Department of State, Publication 1864 (Washington, 1943), pp. 222-225. It was not until August, 1920, that the name of The German Workers' Party was changed to The National Socialist German Workers' Party (National-sozialistische Deutsche Arbeiterpartei —N.S.D.A.P., or Nazi party).

4. None but members of the nation may be citizens of the state. None but those of German blood, whatever their creed, may be members of the nation. No Jew, therefore, may be a member of the nation.

5. Anyone who is not a citizen of the state may live in Germany only as a guest and must be regarded as being subject to foreign laws.

6. The right of voting on the leadership and legislation is to be enjoyed by the state alone. We demand therefore that all official appointments, of whatever kind, whether in the Reich, in the country, or in the smaller localities, shall be granted to citizens of the state alone. We oppose the corrupting custom of Parliament of filling posts merely with a view to party considerations, and without reference to character or capacity.

7. We demand that the state shall make it its first duty to promote the industry and livelihood of citizens of the state. If it is not possible to nourish the entire population of the state, foreign nationals (non-citizens of the state) must be excluded from the Reich.

8. All non-German immigration must be prevented. . . .

9. All citizens of the state shall be equal as regards rights and duties.

10. It must be the first duty of each citizen of the state to work with his mind or with his body. The activities of the individual may not clash with the interests of the whole, but must proceed within the frame of the community and be for the general good.

We demand therefore:

11. Abolition of incomes unearned by work.

12. In view of the enormous sacrifice of life and property demanded of a nation by every war, personal enrichment due to a war must be regarded as a crime against the nation. We demand therefore ruthless confiscation of all war gains.

13. We demand nationalization of all businesses (trusts). . . .

14. We demand that the profits from wholesale trade shall be shared.

15. We demand extensive development of provision for old age.

16. We demand creation and maintenance of a healthy middle class, immediate communalization of wholesale business premises, and their lease at a cheap rate to small traders, and that extreme consideration shall be shown to all small purveyors to the state, district authorities, and smaller localities.

17. We demand land reform suitable to our national requirements. . . .

18. We demand ruthless prosecution of those whose activities are injurious to the common interest. Sordid criminals against the nation, usurers, profiteers, etc., must be punished with death, whatever their creed or race.

19. We demand that the Roman Law, which serves the materialistic world order, shall be replaced by a legal system for all Germany.

20. With the aim of opening to every capable and industrious German the possibility of higher education and of thus obtaining advancement, the state must consider a thorough reconstruction of our national system of education. . . .

21. The state must see to raising the standard of health in the nation by protecting mothers and infants, prohibiting child labor, increasing bodily efficiency by obligatory gymnastics and sports laid down by law, and by extensive support of clubs engaged in the bodily development of the young.

22. We demand abolition of a paid army and formation of a national army.

23. We demand legal warfare against conscious political lying and its dissemination in the press. In order to facilitate creation of a German national press we demand:

a) that all editors of newspapers and their assistants, employing the German language, must be members of the nation;

b) that special permission from the state shall be necessary before non-German newspapers may appear. These are not necessarily printed in the German language;

c) that non-Germans shall be prohibited by law from participation financially in or influencing German newspapers. . . .

It must be forbidden to publish papers which do not conduce to the national welfare. We demand legal prosecution of all tendencies in art and literature of a kind likely to disintegrate our life as a nation, and the suppression of institutions which militate against the requirements above-mentioned.

24. We demand liberty for all religious denominations in the state, so far as they are not a danger to it and do not militate against the moral feelings of the German race.

The party, as such, stands for positive Christianity, but does not bind itself in the matter of creed to any particular confession. It combats the Jewish-materialist spirit within us and without us. . . .

25. That all the foregoing may be realized we demand the creation of a strong central power of the state. Unquestioned authority of the politically centralized Parliament over the entire Reich and its organizations; and formation of chambers for classes and occupations

to furnish timber to France during 1922. Under the above order all the sawn timber (55,000 M) should have been delivered to France before the 30th September, 1922, and the 200,000 telegraph poles ordered by France should have been tendered in uncreosoted condition before the 30th November, 1922. The position on the 30th September, 1922, was as follows:

<i>Category of timber</i>	<i>Amount ordered</i>	<i>Contracts made by German Government</i>	<i>Per cent.</i>	<i>Amount due on 30th Sept.</i>	<i>Amount received in Germany by French Agents at 30th Sept.</i>	<i>Per cent. of the order</i>	<i>Dispatched</i>	<i>Per cent. of the order</i>
Sawn Wood	53,000	54,935	100	55,000	17,417	31.5	15,950	29
Telegraph Poles	200,000	75,694	38	145,000*	46,133	23.0	40,047	20

* Assuming that the rate of delivery was constant.

On the 30th November, the deliveries were still considerably in arrears and, on the 1st December, the Commission formally heard the representatives of the German Government on the subject.

On the 26th December, 1922, after careful examination of the German defence, the Commission took the following decision:

"1) It was unanimously decided that Germany had not executed in their entirety the orders passed under Annex IV, Part VIII, of the Treaty of Versailles, for deliveries of timber to France during 1922.

2) It was decided by a majority, the British Delegate voting against this decision, that this non-execution constituted a default by Germany in her obligations within the meaning of paragraph 17 of Annex II." . . .

131 The Locarno Pact, 1925

With the rejection of the Geneva Protocol (1924), European diplomacy turned to the idea of special security arrangements of more limited scope designed to meet "a specific danger in a particular area." In 1925, Gustav Stresemann, the German Foreign Minister, offered France a pact of mutual guarantee and nonaggression. After consultations in the idyllic little Swiss town of Locarno on Lake Maggiore, the conference closed on October

16, 1925, with the signing of a treaty of mutual guarantee, four arbitration treaties between Germany on the one side and France, Belgium, Poland, and Czechoslovakia on the other, and two treaties of guarantee between France on the one side and Poland and Czechoslovakia on the other.

For the first time since the close of World War I, the statesmen of Europe seemed to have caught a fleeting vision of a peaceful continent. Locarno, with its skillfully managed attempt to abolish the psychology of Versailles, made a tremendous impression. Stresemann's words were welcomed as sign of a new Germany: "We are citizens each of his own country . . . but we are also citizens of Europe and are joined together by a great conception of civilization. We have the right to speak of a European idea." Hatred and ill-will were to be replaced by mutual understanding and peace. The immediate result of Locarno was the admission of Germany to the League of Nations.

The principal Locarno treaty, sometimes spoken of as the Rhineland Security Pact or the Locarno Pact, was intended to give France a greater sense of security from German attack.

**Treaty of Mutual Guarantee between Germany, Belgium,
France, Great Britain, and Italy, October 16, 1925 ***

The President of the German Reich, His Majesty the King of the Belgians, the President of the French Republic, His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Italy;

Anxious to satisfy the desire for security and protection which animates the peoples upon whom fell the scourge of the war of 1914-18;

Taking note of the abrogation of the treaties for the neutralisation of Belgium, and conscious of the necessity of ensuring peace in the area which has so frequently been the scene of European conflicts;

Animated also with the sincere desire of giving to all the signatory Powers concerned supplementary guarantees within the framework of the Covenant of the League of Nations and the treaties in force between them;

Have determined to conclude a treaty with these objects, and have appointed as their plenipotentiaries: . . .

* Great Britain, *Parliamentary Papers*, 1926. Vol. XXX. Cmd. 2764.

Who, having communicated their full powers, found in good and due form, have agreed as follows:

ARTICLE 1. The high contracting parties collectively and severally guarantee, in the manner provided in the following articles, the maintenance of the territorial *status quo* resulting from the frontiers between Germany and Belgium and between Germany and France and the inviolability of the said frontiers as fixed by or in pursuance of the Treaty of Peace signed at Versailles on the 28th June, 1919, and also the observance of the stipulations of Articles 42 and 43 of the said treaty concerning the demilitarised zone.

ARTICLE 2. Germany and Belgium, and also Germany and France, mutually undertake that they will in no case attack or invade each other or resort to war against each other.

This stipulation shall not, however, apply in the case of—

1. The exercise of the right of legitimate defence, that is to say, resistance to a violation of the undertaking contained in the previous paragraph or to a flagrant breach of Articles 42 or 43 of the said Treaty of Versailles, if such breach constitutes an unprovoked act of aggression and by reason of the assembly of armed forces in the demilitarised zone immediate action is necessary.

2. Action in pursuance of Article 16 of the Covenant of the League of Nations.

3. Action as the result of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

ARTICLE 3. In view of the undertakings entered into in Article 2 of the present treaty, Germany and Belgium and Germany and France undertake to settle by peaceful means and in the manner laid down herein all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy:

Any question with regard to which the parties are in conflict as to their respective rights shall be submitted to judicial decision, and the parties undertake to comply with such decision.

All other questions shall be submitted to a conciliation commission. If the proposals of this commission are not accepted by the two parties, the question shall be brought before the Council of the League of Nations, which will deal with it in accordance with Article 15 of the Covenant of the League.

The detailed arrangements for effecting such peaceful settlement are the subject of special agreements signed this day.

ARTICLE 4. 1. If one of the high contracting parties alleges that a violation of Article 2 of the present treaty or a breach of Articles 42 or 43 of the Treaty of Versailles has been or is being committed, it shall bring the question at once before the Council of the League of Nations.

2. As soon as the Council of the League of Nations is satisfied that such violation or breach has been committed, it will notify its finding without delay to the Powers signatory of the present treaty, who severally agree that in such case they will each of them come immediately to the assistance of the Power against whom the act complained of is directed.

3. In case of a flagrant violation of Article 2 of the present treaty or of a flagrant breach of Articles 42 or 43, of the Treaty of Versailles by one of the high contracting parties, each of the other contracting parties hereby undertakes immediately to come to the help of the party against whom such a violation or breach has been directed as soon as the said Power has been able to satisfy itself that this violation constitutes an unprovoked act of aggression and that by reason either of the crossing of the frontier or of the outbreak of hostilities or of the assembly of armed forces in the demilitarised zone immediate action is necessary. Nevertheless, the Council of the League of Nations, which will be seized of the question in accordance with the first paragraph of this article, will issue its findings, and the high contracting parties undertake to act in accordance with the recommendations of the Council provided that they are concurred in by all the members other than the representatives of the parties which have engaged in hostilities.

ARTICLE 5. The provisions of Article 3 of the present treaty are placed under the guarantee of the high contracting parties as provided by the following stipulations:

If one of the Powers referred to in Article 3 refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision and commits a violation of Article 2 of the present treaty or a breach of Articles 42 or 43 of the Treaty of Versailles, the provisions of Article 4 shall apply.

Where one of the Powers referred to in Article 3 without committing a violation of Article 2 of the present treaty or a breach of Articles 42 or 43 of the Treaty of Versailles, refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision, the other party shall bring the matter before the Council of the

League of Nations, and the Council shall propose what steps shall be taken; the high contracting parties shall comply with these proposals.

ARTICLE 6. The provisions of the present treaty do not affect the rights and obligations of the high contracting parties under the Treaty of Versailles or under arrangements supplementary thereto, including the agreements signed in London on the 30th August, 1924.

ARTICLE 7. The present treaty, which is designed to ensure the maintenance of peace, and is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

ARTICLE 8. The present treaty shall be registered at the League of Nations in accordance with the Covenant of the League. It shall remain in force until the Council, acting on a request of one or other of the high contracting parties notified to the other signatory Powers three months in advance, and voting at least by a two-thirds' majority, decides that the League of Nations ensures sufficient protection to the high contracting parties; the treaty shall cease to have effect on the expiration of a period of one year from such decision.

ARTICLE 9. The present treaty shall impose no obligation upon any of the British dominions, or upon India, unless the Government of such dominion, or of India, signifies its acceptance thereof.

ARTICLE 10. The present treaty shall be ratified and the ratifications shall be deposited at Geneva in the archives of the League of Nations as soon as possible.

It shall enter into force as soon as all the ratifications have been deposited and Germany has become a member of the League of Nations.

The present treaty, done in a single copy, will be deposited in the archives of the League of Nations, and the Secretary-General will be requested to transmit certified copies to each of the high contracting parties.

In faith whereof the above-mentioned plenipotentiaries have signed the present treaty.

Done at Locarno, the 16th October, 1925.

LUTHER
STRESEMANN
EMILE VANDERVELDE
A. BRIAND
AUSTEN CHAMBERLAIN
BENITO MUSSOLINI

132 **Neutrality Agreement Between Germany and the U.S.S.R., 1926**

In April, 1922, an important international conference, second only in size to the Versailles Peace Conference itself, met at Genoa to form a "European Consortium," a kind of economic League of Nations, which would undertake the reconstruction of Europe with Russian collaboration. Grigori Chicherin and Walther Rathenau, the Russian and German representatives, motored to Rapallo on Easter Sunday, April 16th, and there signed the Treaty of Rapallo, a consortium of their own. Thus, Russo-German *rapprochement*, which the French feared, took place under the very noses of the delegates to Genoa.

Once again, on April 24, 1926, the Western world was disturbed by the announcement of a Neutrality Agreement between Germany and the U.S.S.R. Gustav Stresemann, the German Foreign Minister, sought to allay suspicions in a radio broadcast:

This treaty has nothing sensational in it. On the contrary, it is quite natural (*selbstverständlich*) An age-old friendship unites our two countries. From Frederick the Great down to the Great War they had never taken up arms against each other. Economically they were bound together. Germany could not live without Russia's agricultural products, and Russia could not do without our industry. The violation of this tradition by Russia at the moment of emphasis on Pan-Slavism was very painful to us. By the Treaty of Rapallo, Germany and Russia declared that despite the shock of the Great War they wished to re-establish their good relations on the former basis *

* Gustav Stresemann, in a speech broadcast May 1, 1926. Quoted in *Gustav Stresemann—His Diaries, Letters and Papers*, edited and translated by Eric Sutton (London, 1937), II, 379–380

Text of the Treaty between Germany and the U.S.S.R., April 24, 1926 *

The German government and the government of the Union of Socialist Soviet Republics, animated by the desire to do all they can to contribute to the maintenance of general peace and convinced that the interest of the peoples of the Union of Socialist Soviet Republics and of Germany demands conscientious and constant collaboration, have come to an agreement to confirm the friendly relations existing between them, and to this end have named two plenipotentiaries: for the German government, the Minister of Foreign Affairs, Gustav Stresemann, and for the Union of Socialist Soviet Republics the Ambassador Extraordinary and Minister Plenipotentiary of the Union of Socialist Soviet Republics, Nicholas Nicolaievich Krestinsky, who, having exchanged their powers, and having found them in good and due order, have decided upon the following provisions:

ARTICLE 1. The Treaty of Rapallo remains the basis of relations between Germany and the Union of Socialist Soviet Republics. The German government and the government of the Union of Socialist Soviet Republics remain in friendly contact in order to settle amicably all questions of a political and economic nature concerning their two countries

ARTICLE 2. If one of the contracting parties, despite its peaceful attitude, should be attacked by a third power or by several third powers, the other contracting party shall observe neutrality during the period of the conflict.

ARTICLE 3. If, in the event of a conflict of the nature foreshadowed in Article 2, occurring at a time when either of the two contracting parties is not involved in an armed conflict, a coalition should be formed by third powers with a view to imposing an economic and financial boycott on one of the two contracting parties, the other contracting party will not participate in such a coalition.

Berlin, April 24, 1926.

(L.S.) STRESEMANN (L.S.) KRESTINSKY

* From the text signed at Berlin, April 24, 1926.

133 Germany's Entrance Into the League of Nations, 1926

The era of international good will inaugurated at Locarno was strengthened further the next year when the Seventh Assembly of the League of Nations, meeting on September 8, 1926, unanimously elected Germany to a permanent seat on the Council and membership in the Assembly. In his speech before the Assembly three days later, Gustav Stresemann intimated that he hoped the League would remedy the injustice done Germany by the Treaty of Versailles. Dr. Stresemann was widely regarded abroad as a German statesman who was also a good European, as the architect of the "spirit of Locarno," and as the prophet of a new and peaceful Germany. This general approbation was expressed in 1926, when, together with Aristide Briand of France, he was awarded the Nobel Peace Prize. The posthumous publication of his memoirs, however, revealed that he was a master of power politics, whose main object was to bring about the restoration of Germany to the status of a major power and who knew how to use the weapon of fear of the Soviet Union to bring the Western Allies to terms.

Extracts from an Address by Dr. Gustav Stresemann Before the Assembly of the League of Nations, September 10, 1926 *

Mr. President: Ladies and Gentlemen.

The President of this High Assembly and the President of the Council of the League of Nations have been good enough to accord Germany a joyful welcome on her entry into the League. In addressing you from this platform I feel it my first duty to express Germany's thanks to these two gentlemen and to the Assembly. Allow me at the same time to express our gratitude to the Swiss Government, which is now extending its traditional and generous hospitality to Germany as a member of the League of Nations.

* *The League of Nations Official Journal*, Special Supplement No. 44, p. 51, No. 22.

More than six years have passed since the League was founded. A long period of development was thus necessary before the general political situation rendered it possible for Germany to enter the League, and even in the present year great difficulties have had to be overcome before Germany's decision could be supplemented by the unanimous decision of the League. Far be it from me to revive matters which belong to the past. It is rather the task of the present generation to look to the present and to the future. I would only say this, that, although an event such as Germany's entry into the League is the outcome of a long preliminary process of development, yet that very fact constitutes perhaps a surer guarantee of its permanence and of its fruitful results. . . .

The co-operation of the peoples in the League of Nations must and will lead to just solutions for the moral questions which arise in the conscience of the peoples. The most durable foundation of peace is a policy inspired by mutual understanding and mutual respect between nation and nation.

Even before her entry into the League, Germany endeavoured to promote this friendly co-operation. The action which she took and which led to the Pact of Locarno is a proof of this, and as further evidence there are the arbitration treaties which she has concluded with almost all her neighbours. The German Government is resolved to persevere unswervingly in this line of policy and is glad to see that these ideas, which at first met with lively opposition in Germany, are now becoming more and more deeply rooted in the conscience of the German people. Thus the German Government may well speak for the great majority of the German race when it declares that it will wholeheartedly devote itself to the duties devolving upon the League of Nations.

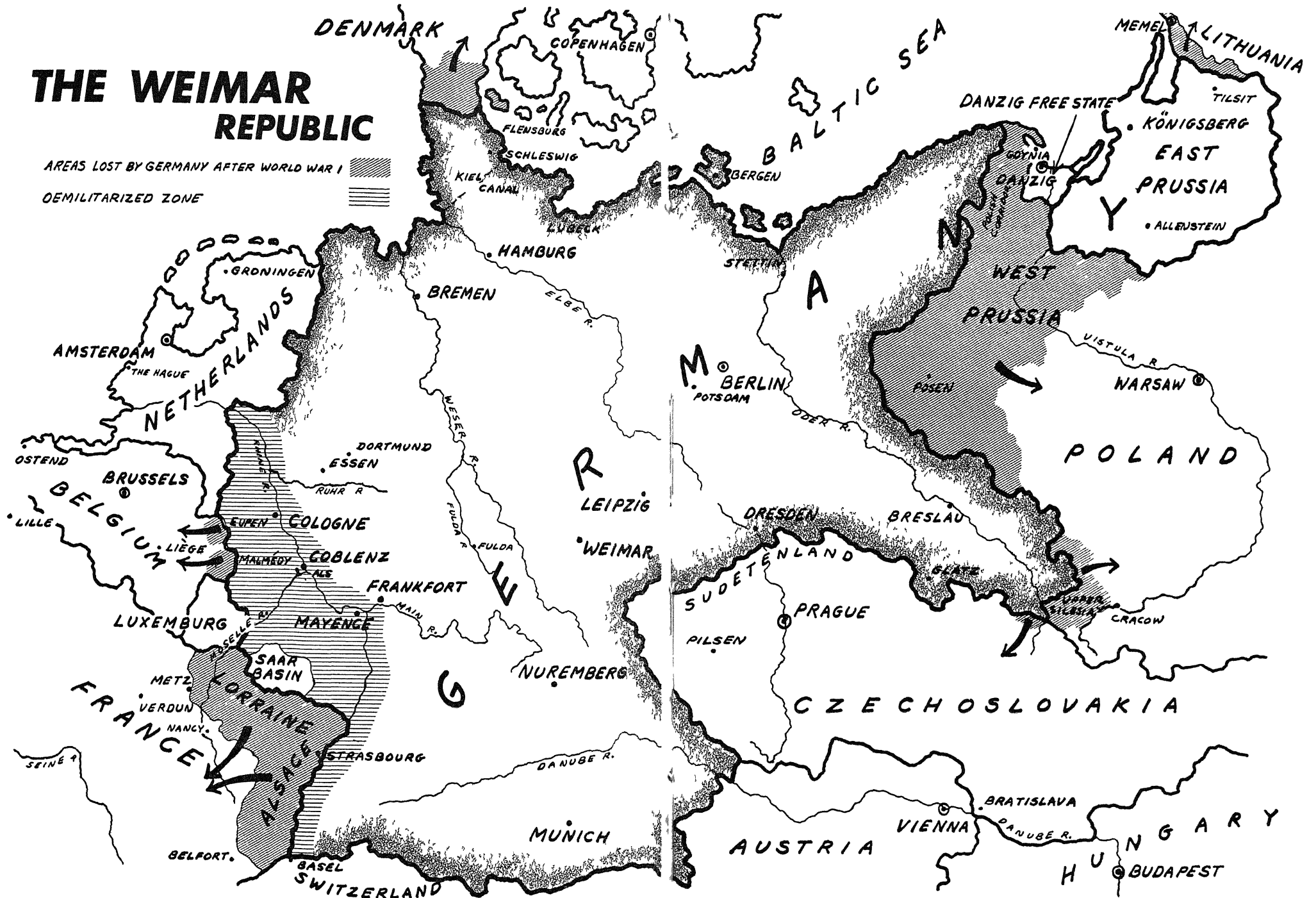
During the past six years the League has already taken in hand a substantial portion of these tasks, and has done most valuable work. The German delegation does not possess the experience which the members here assembled have acquired. We believe, however, that, as regards the new work which lies before us, the subjects dealt with first should be those in which the individual nations can do most by combining in joint institutions. Among other institutions which the League has created, we have in mind the World Court, which is the outcome of efforts made to establish an international legal order. . . .

Germany's relations to the League are not, however, confined exclusively to the possibilities of co-operation in general aims and issues. In many respects the League is the heir and executor of the Treaties of 1919. Out of these Treaties there have arisen in the past, I may say

THE WEIMAR REPUBLIC

AREAS LOST BY GERMANY AFTER WORLD WAR I

DEMILITARIZED ZONE



frankly, many differences between the League and Germany. I hope that our co-operation within the League will make it easier in future to discuss these questions. In this respect mutual confidence will, from a political point of view, be found a greater creative force than anything else. It would, indeed, be incompatible with the ideals of the League to group its members according to whether they are viewed with sympathy or with antipathy by other Members.

In this connection I reject most emphatically the idea that the attitude hitherto adopted by Germany in matters concerning the League of Nations has been dictated by such sympathies or antipathies.

Germany desires to co-operate on the basis of mutual confidence with all nations represented in the League or upon the Council.

134 The Glorification of War, 1927–1940

All nations have at one time or another been victims of the diseases of jingoism and chauvinism. The glorification of war has been the prime aim of super-patriots everywhere. But in Germany the phenomenon has been so persistent that it merits the special attention of the historian. Such historians as Heinrich von Treitschke (“Those who preach the nonsense of eternal peace do not understand Aryan national life”), such militarists as Friedrich von Bernhardi (“War is a biological necessity”), and such leaders as Adolf Hitler (“In eternal peace, mankind perishes”) expressed a point of view that was not unique but widespread. In both world wars, Allied propagandists published bulky collections of German quotations glorifying war, which were strongly effective in solidifying world public opinion against Germany.

The war spirit infected institutions both of higher and lower education. In the first extract quoted here, a superintendent of schools during the era of the Weimar Republic gave his suggestion for a student’s composition on the advantages of war. The following two poems show how first-grade children during the Hitler regime were encouraged to imbibe the war spirit.

I Draft for a Student Composition on the
Advantages of War, 1927 *

I. FOR THE NATION:

1. War is the antidote for the weeds of peace, during which intellectualism takes precedence over idealism and puts everything to sleep.

2. Patriotism is stimulated, and a sacred enthusiasm for the Fatherland is awakened.

3. The triumphant nation obtains a position of power, as well as the prestige and influence it deserves; the honor of the defeated nation is not affected at all if it has defended itself with courage.

4. Peoples learn to know each other better and to respect one another. There is an exchange of ideas, opinions, points of view.

5. Trade finds new routes, often favorable ones.

6. The arts, especially poetry and painting, are given excellent subjects.

II. FOR THE CITIZENS:

1. War gives them the opportunity to develop their talents. Without war the world would have fewer great men.

2. War enables many virtues to assert themselves.

3. Many active persons get the opportunity to make great fortunes.

4. It is sweet to die for the Fatherland. The dead of the enemy live in the memory of the victor.

II Poems from First-Year Readers, 1940 †

A †

Trum, trum, trum!
There they march,
Always in step,
One, two, one, two,
Teo is also there.
Dieter plays the drums.
Trum, trum, trum!

* K. Dorenwall and A. Vogeler, *Der deutsche Aufsatz in den Hochschulen*, 6th ed. (1927), III, lesson no. 158, p. 362.

† *Fibel für die deutsche Jugend*, edited by an organization of German teachers (Berlin, 1940), p. 45.

B *

He who wants to be a soldier,
That one must have a weapon,
Which he must load with powder,
And with a good hard bullet.
Little fellow, if you want to be a recruit,
Take good care of this little song!

* Paul Hermens, Fritz Kohlhoff, Fritz Kuhne, *Gute Kameraden* (Dortmund, n.d.),
p 76.

PART VII

*The National Socialist
Dictatorship*

135 The Nature of Nazi Propaganda, 1930

In the National Socialist drive to power and through the years of the Third Reich from 1933 to 1945, an enormously successful propaganda campaign was directed by Joseph Paul Goebbels (1895-1945). Goebbels was born in a small town in the Rhineland, studied at several universities, became drawn to a nihilistic philosophy, and emerged as a fiery anti-Semite. In 1922, after hearing Hitler speak, he joined the National Socialist party. As chief propagandist, he made a thorough study of American advertising and promotion techniques and applied them in Nazi Germany. He transformed political rallies into pageants with music, flags, and parades dedicated to the proposition that Hitler was a superman destined to save Germany.

Goebbels' Machiavellian adroitness is revealed in the following propaganda pamphlet written in 1930 when the Nazis were driving to political power. During World War II his task was to keep the Germans working at fever pitch by convincing them through similar propagandistic devices that they were an invincible master race.

A Goebbels Propaganda Pamphlet, 1930 *

WHY ARE WE NATIONALISTS?

We are NATIONALISTS because we see in the NATION the only possibility for the protection and the furtherance of our existence.

The NATION is the organic bond of a people for the protection and defense of their lives. He is nationally minded who understands this IN WORD AND IN DEED.

Today, in GERMANY, NATIONALISM has degenerated into BOURGEOIS PATRIOTISM, and its power exhausts itself in tilting at windmills. It says GERMANY and means MONARCHY. It proclaims FREEDOM and means BLACK-WHITE-RED.

Young nationalism has its unconditional demands. BELIEF IN THE NATION is a matter of all the people, not for individuals of rank, a class, or an industrial clique. The eternal must be separated from the contemporary. The maintenance of a rotten industrial system has nothing to do with nationalism. I can love Germany and hate capitalism; not only CAN I do it, I also MUST do it. The germ of the rebirth of our people LIES ONLY IN THE DESTRUCTION OF THE SYSTEM OF PLUNDERING THE HEALTHY POWER OF THE PEOPLE.

WE ARE NATIONALISTS BECAUSE WE, AS GERMANS, LOVE GERMANY. And because we love Germany, we demand the protection of its national spirit and we battle against its destroyers.

WHY ARE WE SOCIALISTS?

We are SOCIALISTS because we see in SOCIALISM the only possibility for maintaining our racial existence and through it the reconquest of our political freedom and the rebirth of the German state. SOCIALISM has its peculiar form first of all through its comradeship in arms with the forward-driving energy of a newly awakened nationalism. Without nationalism it is nothing, a phantom, a theory, a vision of air, a book. With it, it is everything, THE FUTURE, FREEDOM, FATHERLAND!

It was a sin of the liberal bourgeoisie to overlook THE STATE-BUILDING POWER OF SOCIALISM. It was the sin of MARXISM to degrade SOCIALISM to a system of MONEY AND STOMACH.

We are SOCIALISTS because for us THE SOCIAL QUESTION IS A MATTER OF NECESSITY AND JUSTICE, and even be-

* Adapted from Joseph Goebbels, *Die verfluchten Hakenkreuzler, Etwas zum Nachdenken* (Munich, 1930), pp. 1-28, *passim*.

yond that A MATTER FOR THE VERY EXISTENCE OF OUR PEOPLE.

SOCIALISM IS POSSIBLE ONLY IN A STATE WHICH IS FREE INSIDE AND OUTSIDE.

DOWN WITH POLITICAL BOURGEOIS SENTIMENT. FOR REAL NATIONALISM!

DOWN WITH MARXISM: FOR TRUE SOCIALISM!

UP WITH THE STAMP OF THE FIRST GERMAN NATIONAL SOCIALIST STATE!

AT THE FRONT THE NATIONAL SOCIALIST GERMAN WORKERS PARTY! . . .

WHY DO WE OPPOSE THE JEWS?

We are ENEMIES OF THE JEWS, because we are fighters for the freedom of the German people. THE JEW IS THE CAUSE AND THE BENEFICIARY OF OUR MISERY. He has used the social difficulties of the broad masses of our people to deepen the unholy split between Right and Left among our people. He has made two halves of Germany. He is the real cause for our loss of the Great War.

The Jew has no interest in the solution of Germany's fateful problems. He CANNOT have any. FOR HE LIVES ON THE FACT THAT THERE HAS BEEN NO SOLUTION. If we would make the German people a unified community and give them freedom before the world, then the Jew can have no place among us. He has the best trumps in his hands when a people lives in inner and outer slavery. THE JEW IS RESPONSIBLE FOR OUR MISERY AND HE LIVES ON IT.

That is the reason why we, AS NATIONALISTS and AS SOCIALISTS, oppose the Jew. HE HAS CORRUPTED OUR RACE, FOULED OUR MORALS, UNDERMINED OUR CUSTOMS, AND BROKEN OUR POWER.

THE JEW IS THE PLASTIC DEMON OF THE DECLINE OF MANKIND.

THE JEW IS UNCREATIVE. He produces nothing, HE ONLY HANDLES PRODUCTS As long as he struggles against the state, HE IS A REVOLUTIONARY; as soon as he has power, he preaches QUIET AND ORDER, so that he can consume his plunder at his convenience.

ANTI-SEMITISM IS UN-CHRISTIAN. That means, then, that he is a Christian who looks on while the Jew sews straps around our necks. TO BE A CHRISTIAN MEANS: LOVE THY NEIGHBOR

AS THYSELF! MY NEIGHBOR IS ONE WHO IS TIED TO ME BY HIS BLOOD. IF I LOVE HIM, THEN I MUST HATE HIS ENEMIES. HE WHO THINKS GERMAN MUST DESPISE THE JEWS. The one thing makes the other necessary.

WE ARE ENEMIES OF THE JEWS BECAUSE WE BELONG TO THE GERMAN PEOPLE. THE JEW IS OUR GREATEST MISFORTUNE.

It is not true that we eat a Jew every morning at breakfast.

It is true, however, that he SLOWLY BUT SURELY ROBS US OF EVERYTHING WE OWN.

THAT WILL STOP, AS SURELY AS WE ARE GERMANS.

136 The Horst Wessel Song, 1930

For Joseph Paul Goebbels, head of the propaganda department of the National Socialist party in 1929, it was important to have a poet and musician to provide a revolutionary song, "whose chords would ring out on the barricades of freedom." He found his man in a young Nazi student and storm trooper, Horst Wessel, who had broken with his father, a Protestant military chaplain, and led the life of a bohemian in a slum section of Berlin with a girl who had once been a prostitute. In February, 1930, a gang, probably instigated by Communists, invaded the young storm trooper's room and killed him. Goebbels promptly labeled Horst Wessel a Nazi martyr and elevated him to the level of a national hero.

Horst Wessel left behind him a marching song composed of the party's most familiar slogans and set to music borrowed from various tunes. The "Horst Wessel Song" became the Nazi party's official song in its drive for power, and, later, was adopted as a second national anthem. Following are the first three stanzas.

Text of the Horst Wessel Song *

1.

Die Fahne hoch, die Reihen dicht geschlossen!
S.A. marschiert mit ruhig festem Schritt.
Kam'raden, die Rotfront und Reaktion erschossen,
Marschieren im Geist in unsern Reihen mit.

2.

Die Strasse frei den braunen Bataillonen!
Die Strasse frei dem Sturmabteilungsmann!
Es schaun aufs Hakenkreuz voll Hoffnung schon Millionen,
Der Tag für Freiheit und für Brot bricht an.

3.

Zum letzten Mal wird nun Appell geblasen!
Zum Kampfe stehn wir alle schon bereit.
Bald flattern Hitlerfahnen über allen Strassen,
Die Knechtschaft dauert nur noch kurze Zeit! . . .

1.

Hold high the banner! Close the hard ranks serried!
S.A. marches on with sturdy stride.
Comrades, by Red Front and Reaction killed, are buried,
But march with us in image at our side.

2.

Gang way! Gang way! now for the Brown battalions!
For the Storm Trooper clear roads o'er the land!
The Swastika gives hope to our entranced millions,
The day for freedom and for bread's at hand.

3.

The trumpet blows its shrill and final blast!
Prepared for war and battle here we stand.
Soon Hitler's banners will wave unchecked at last,
The end of German slav'ry in our land! .

* Translated by the editor

137 The Burning of the Reichstag, February 27, 1933

On the night of February 27, 1933, just a few days before the scheduled election of March 5th, which was to confirm Hitler's Chancellorship, the Reichstag building in Berlin was gutted by fire. After police dragged an incoherent, half-naked Dutchman named Marinus van der Lubbe from the building, Hermann Goering announced that the Communists had set the fire as a signal for revolution. Hitler proclaimed the burning as "a sign from Heaven"!

The fire achieved exactly what the Nazis had hoped for—the destruction of the German Republic. It not only turned the imposing Reichstag edifice to a hollow shell, but it also provided Hitler with an excuse to crush all remaining political opposition. Pacifists, liberals, democrats, and socialists were ruined, along with a million marks of glass and masonry. The Germany of the Weimar Republic went up in flames, and from its smoke arose Hitler's Third Reich.

The following account of the event, from one of the world's great newspapers, the *Frankfurter Zeitung*, was one of the last free reports by this journal before it was engulfed in Nazi co-ordination. The newspaper unwittingly went to the heart of the issue when it reported that there was "some doubt as to whether the imprisoned man could have done it all himself."

Account in the *Frankfurter Zeitung*, March 1, 1933 *

"The cupola of the Reichstag building is burning with brilliant flames!"

This was the telephone message of a resident of the Platz der Republik which, at ten o'clock in the evening, brought the alarm to

* *Frankfurter Zeitung*, March 1, 1933.

reporters in Berlin. At the Brandenburg Gate several thousand persons were already pressing against police barriers set up in a wide circle around the Reichstag building, which stands in the darkness. But from the cupola, whose gold lights up the surrounding area during the day, great, brilliant flames reach into the night sky.

It seemed at first that the efforts of practically the entire Berlin fire department, which appeared at the fire with astonishing speed, would be successful within a short time in isolating the fire, which in the strong wind appeared to endanger the neighboring buildings. But a good hour after the discovery of the fire, the enormous throng, which now stretched to the edge of the Tiergarten, to the Brandenburg Gate, and to both banks of the Spree, saw the flames mount to the lantern crown and until midnight thick, black smoke poured upward.

The police have already established the fact that the fire was started by an arsonist. A young, twenty-year-old Dutch Communist has been arrested in the Reichstag building, and, according to the police, he has already confessed. He was brought to the police station at the Brandenburg Gate and immediately interrogated. An identification card of the Dutch Communist party bearing the name van der Lubbe was found on him. He confessed at once that he had started the fire in the Reichstag. Apparently this is the same arsonist who started a fire in the Palace on Saturday evening.

At 11:30 P.M. all members of the Berlin and foreign press, who until then had been waiting outside the Reichstag building, were led by firemen and police into the interior of the Reichstag building, in order to see for themselves the great damage caused by the fire. Over the steps and through the entrance there was a mass of thick and thin fire hose leading to the reception hall, which, although not struck by the fire, nevertheless presented a chaotic appearance. The thick, red carpets were covered with a foot of water; everywhere there was fire apparatus; on the sides were ruins dragged from the plenary hall and the surrounding area. Through the doors of the plenary hall thick smoke was still pouring. One could see from a distance that the plenary hall itself was but a mass of ruins, from which flames continually spurted. The entire roof of the hall has burned through, and the skeleton of its construction can be seen, so that its collapse momentarily is feared. In addition to the plenary hall, a number of rooms on the second floor, including the press room, the outer room of the Reichsrat, the restaurant rooms, and the workrooms of the Reichstag delegates, have been badly damaged. Water damage everywhere is extraordinarily heavy. The plenary hall itself is as good as destroyed.

It has been established that approximately twenty bundles of incen-

diary materials had been spread through the building, although not all of these were set on fire. They were ignited with the same type of charcoal-crayon found in the timberwork of the Palace when the attempt was made to burn it. There is some doubt as to whether the imprisoned man could have done it all himself.

During the attempts to put out the fire, the area was visited by Chancellor Hitler, who was accompanied by Dr. Goebbels and Prince August Wilhelm, Vice Chancellor von Papen, and numerous other Reich Ministers. Also present were Police President von Levetzow, Oberbürgermeister Dr. Sahn, Platzkommandant Schomburg, and other authorities. Important governmental talks took place at the Reich Ministry until far into the night.

138 Law for the Reorganization of the Reich, 1934

Hitler exhibited a fanatical sense of legality in his *coup d'état* by installments, so much so that he was surreptitiously given the name of "Adolf Légalité." He obtained the Chancellorship through legal methods on January 30, 1933. During the next year, he issued a series of decrees and laws calling for coordination of every phase of the nation's life: The Law to Combat the Crisis of People and State (March 24, 1933); The Law for the Restoration of the Civil Service (April 7, 1933); First Decree for the Execution of the Law for Restoration of the Civil Service (April 11, 1933); Decree Concerning the Tasks of the Ministry for Public Enlightenment and Propaganda (June 30, 1933); Law Concerning the Perpetuation of Inheritable Diseases (July 14, 1933); Hereditary Farm Laws (September 29, 1933); and Law to Regulate National Labor (January 20, 1934).

On January 30, 1934, precisely one year after his assumption of the Chancellorship, Hitler issued a basic Law for the Reorganization of the Reich, the text of which follows.

Text of the Law, January 30, 1934 *

ARTICLE 1. The popular assemblies of the states are hereby abolished.

ARTICLE 2. (1) The sovereign rights of the states are hereby transferred to the Reich.

(2) The governments of the states are subordinate to the Reich government.

ARTICLE 3. The Federal Governors of the states are subject to the supervision of the Reich Minister of Interior.

ARTICLE 4. The Reich government may lay down new constitutional laws.

ARTICLE 5. The Reich Minister of Interior is to issue the necessary legal decrees and administrative measures for the carrying out of this law.

ARTICLE 6. This law becomes effective on the day it is promulgated.

139 Hindenburg's Political Testament, 1934

Paul Ludwig Hans von Beneckendorff und von Hindenburg (1847-1934) was known in Germany as "the man with three lives." He took part in the Franco-Prussian War of 1870-1871 as adjutant to a battalion and marched with German troops into Paris. In retirement at the outbreak of World War I, he was recalled to command and, by a bold and hazardous strategy, won the great victory of Tannenberg, August 26-31, 1914. Thereafter a popular idol, he was elected President of the Weimar Republic in 1925. His advanced age and his aloofness from the turmoil of politics, as well as his patriotism and sense of duty, made him a legendary figure in the last years of his Presidency. In 1933 he accepted Adolf Hitler as Chancellor.

Hindenburg died on August 2, 1934, three months before his eighty-eighth birthday. Two weeks later, the Nazi government published his last will and testament, dated May 11, 1934, in

* Quoted in Henri Lichtenberger, *The Third Reich* (New York, 1937), p. 305. Translated by Koppel S. Pinson.

which he reviewed his career and called upon the German people to support Hitler and his movement.

Extracts from the Testament, May 11, 1934 *

. . . A new chapter of my life was opened in the spring of 1925. Once again I was to cooperate in the destiny of my people. It was only my firm confidence in the inexhaustible resources of Germany that gave me the courage to agree to my first and second elections to the Reich Presidency.

This firm belief also gave me the inner strength unswervingly to carry out my difficult office. The last part of my life has also been the most difficult for me. Many have failed to understand me in these confused times and have failed to grasp the fact that my only care has been to restore the disunited and discouraged German people to a self-conscious unity. . . .

When I shall have returned to my comrades above, with whom I fought on so many battlefields for the greatness and honor of our nation, I shall then call out to the younger generation:

“Prove yourselves worthy of your ancestors. Never forget that, if you want to secure the peace and welfare of your homeland, it is necessary that you be prepared to sacrifice your all for this peace and honor of your country. Never forget that your deeds, too, will become tradition at some future time.”

The Field Marshal of the World War and your later Supreme Commander gives his thanks to all the men who have built up and extended the Reichswehr.

In their foreign politics the German people have had to travel the road to Calvary. A frightful treaty has weighed heavily upon us and has threatened, in its ever-increasing consequences, to bring our nation to a point of collapse. For a long time the world around us has failed to understand that Germany must live, not only for her own sake, but also, as the standard bearer of Western civilization, for the sake of Europe.

The shackles that surrounded us could only be loosened step by step, without arousing an overwhelming resistance. If some of my comrades of the old days failed at the time to grasp the inevitability of this method, then history will judge more justly how bitter, but also

* From the official version of Field Marshal Paul von Hindenburg's *Testament*, Berlin, May 11, 1934.

how necessary, many a state document signed by me was, for the welfare of Germany. In harmony with the growing internal recovery and strengthening of the German people, it was possible, on the basis of its own national dignity and honor, to strive for, and eventually achieve, a progressive and—God willing—a blessed collaboration on the problems facing all Europe.

I thank Providence for allowing me, in the evening of my life, to be a witness to the hour of recuperation. I thank all those who, with selfless patriotism, have collaborated in the reconstruction of Germany.

My Chancellor, Adolf Hitler, and his movement have made a decisive step toward the great goal of bringing the German people together to an inner unity above all differences of rank and class. I know that much remains to be done, and I desire with all my heart that, behind the act of national resurgence and popular cooperation, there should be an act of conciliation which embraces the entire German Fatherland.

I say farewell to my German people in the full hope that that for which I longed in 1919 and which by slow fruition led to January 30, 1933, may mature to the complete fulfilment and realization of the historic mission of our people.

In this firm faith in the future of the Fatherland I am content to close my eyes in peace!

VON HINDENBURG

140 Union of the Offices of Reich President and Chancellor, 1934

On August 1, 1934, on the evening preceding the death of President von Hindenburg, the German Cabinet adopted a decree uniting the offices of Reich President and Chancellor from the moment of the President's death. According to the decree, Hitler, on August 2, 1934, became Führer and Chancellor of the Third Reich.

Law Concerning the Head of the Reich, August 1, 1934 *

I The office of the Reich President is hereby united with that of the Chancellor. The authority hitherto exercised by the Reich President hence passes to the Führer and Chancellor, Adolf Hitler. He shall appoint his deputy.

II This law shall become effective from the moment of the death of President von Hindenburg.

141 The Nuremberg Laws on Citizenship and Race, 1935

In his drive for power, Hitler and the Nazis promoted a bitter anti-Semitic campaign, the theme of which was: "The Jews are our misfortune!" Asserting that the Jews had been responsible for the loss of World War I (the *Dolchstoßtheorie*—theory of the stab-in-the-back), the Nazis stirred up white-hot hatred against them. Following the Nazi political victory, Jews were assaulted and beaten, Jewish business places were picketed or closed, and Jews of distinction, including Albert Einstein, were denounced as rogues, profiteers, and traitors.

When accounts of Nazi atrocities appeared abroad, a widespread boycott of German goods was urged in retaliation. The result was disastrous for German Jews. Jewish judges were dismissed, Jewish physicians were excluded from hospitals and private practice, Jewish business establishments were boycotted, and Jewish students limited to a 1.5 per cent *numerus clausus*. Jews were increasingly barred from all economic, social, and cultural life. "The Jew can speak only Jewish. When he writes in German he lies."

From September to November, 1935, Hitler took additional steps to define the status of Jews in Germany and to restrict them further in German political and social life. The so-called

* *Reichsgesetzblatt*, 1934, No. 89, August 2, 1934, I: 747.

Nuremberg, or Ghetto, Laws withdrew German citizenship from persons of "non-German blood." Prejudice and intolerance were deliberately incorporated into the laws of a great modern state.

I The Reich Citizenship Law of September 15, 1935 *

The Reichstag has adopted by unanimous vote the following law which is herewith promulgated.

ARTICLE I: (1) A subject of the state is one who belongs to the protective union of the German Reich, and who, therefore, has specific obligations to the Reich.

(2) The status of subject is to be acquired in accordance with the provisions of the Reich and the state Citizenship Law.

ARTICLE II: (1) A citizen of the Reich may be only one who is of German or kindred blood, and who, through his behavior, shows that he is both desirous and personally fit to serve loyally the German people and the Reich.

(2) The right to citizenship is obtained by the grant of Reich citizenship papers.

(3) Only the citizen of the Reich may enjoy full political rights in consonance with the provisions of the laws.

ARTICLE III: The Reich Minister of the Interior, in conjunction with the Deputy to the Führer, will issue the required legal and administrative decrees for the implementation and amplification of this law.

Promulgated: September 16, 1935. *In force:* September 30, 1935.

II First Supplementary Decree of November 14, 1935 †

On the basis of Article III of the Reich Citizenship Law of September 15, 1935, the following is hereby decreed:

ARTICLE I: (1) Until further provisions concerning citizenship papers, all subjects of German or kindred blood who possessed the right to vote in the Reichstag elections when the Citizenship Law came into effect, shall, for the present, possess the rights of Reich citizens. The same shall be true of those upon whom the Reich Minister of the Interior, in conjunction with the Deputy to the Führer, shall confer citizenship.

* *Reichsgesetzblatt*, 1935, No. 100, September 15, 1935, I: 1142-1147.

† *Ibid.*

(2) The Reich Minister of the Interior, in conjunction with the Deputy to the Führer, may revoke citizenship.

ARTICLE II: (1) The provisions of Article I shall apply also to subjects who are of mixed Jewish blood.

(2) An individual of mixed Jewish blood is one who is descended from one or two grandparents who, racially, were full Jews, insofar that he is not a Jew according to Section 2 of Article V. Full-blooded Jewish grandparents are those who belonged to the Jewish religious community.

ARTICLE III: Only citizens of the Reich, as bearers of full political rights, can exercise the right of voting in political matters, and have the right to hold public office. The Reich Minister of the Interior, or any agency he empowers, can make exceptions during the transition period on the matter of holding public office. These measures do not apply to matters concerning religious organizations.

ARTICLE IV: (1) A Jew cannot be a citizen of the Reich. He cannot exercise the right to vote; he cannot occupy public office.

(2) Jewish officials will be retired as of December 31, 1935. In the event that such officials served at the front in the World War either for Germany or her allies, they shall receive as pension, until they reach the age limit, the full salary last received, on the basis of which their pension would have been computed. They shall not, however, be promoted according to their seniority in rank. When they reach the age limit, their pension will be computed again, according to the salary last received on which their pension was to be calculated.

(3) These provisions do not concern the affairs of religious organizations.

(4) The conditions regarding service of teachers in public Jewish schools remain unchanged until the promulgation of new regulations on the Jewish school system.

ARTICLE V: (1) A Jew is an individual who is descended from at least three grandparents who were, racially, full Jews. . . .

(2) A Jew is also an individual who is descended from two full-Jewish grandparents if:

(a) he was a member of the Jewish religious community when this law was issued, or joined the community later;

(b) when the law was issued, he was married to a person who was a Jew, or was subsequently married to a Jew;

(c) he is the issue from a marriage with a Jew, in the sense of Section I, which was contracted after the coming into effect of the

Law for the Protection of German Blood and Honor of September 15, 1935,

(d) he is the issue of an extramarital relationship with a Jew, according to Section I, and born out of wedlock after July 31, 1936.

ARTICLE VI: (1) Insofar as there are, in the laws of the Reich or in the decrees of the National Socialist Labor party and its affiliates, certain requirements for the purity of German blood which extend beyond Article V, the same remain untouched. . . .

ARTICLE VII: The Führer and Chancellor of the Reich is empowered to release anyone from the provisions of these administrative decrees.

III The Law for the Protection of German Blood and Honor, September 15, 1935 *

Imbued with the knowledge that the purity of German blood is the necessary prerequisite for the existence of the German nation, and inspired by an inflexible will to maintain the existence of the German nation for all future times, the Reichstag has unanimously adopted the following law, which is now enacted:

ARTICLE I: (1) Any marriages between Jews and citizens of German or kindred blood are herewith forbidden. Marriages entered into despite this law are invalid, even if they are arranged abroad as a means of circumventing this law.

(2) Annulment proceedings for marriages may be initiated only by the Public Prosecutor.

ARTICLE II: Extramarital relations between Jews and citizens of German or kindred blood are herewith forbidden.

ARTICLE III: Jews are forbidden to employ as servants in their households female subjects of German or kindred blood who are under the age of forty-five years.

ARTICLE IV: (1) Jews are prohibited from displaying the Reich and national flag and from showing the national colors.

(2) However, they may display the Jewish colors. The exercise of this right is under state protection.

ARTICLE V: (1) Anyone who acts contrary to the prohibition noted in Article I renders himself liable to penal servitude.

(2) The man who acts contrary to the prohibition of Article II will be punished by sentence to either a jail or penitentiary.

* *Ibid.*

(3) Anyone who acts contrary to the provisions of Articles III and IV will be punished with a jail sentence up to a year and with a fine, or with one of these penalties.

ARTICLE VI: The Reich Minister of Interior, in conjunction with the Deputy to the Führer and the Reich Minister of Justice, will issue the required legal and administrative decrees for the implementation and amplification of this law.

ARTICLE VII: This law shall go into effect on the day following its promulgation, with the exception of Article III, which shall go into effect on January 1, 1936.

142 Thomas Mann on the National Socialist State, 1936

In 1914, the novelist Thomas Mann was swept away by the militarist spirit. In an oft-quoted passage, Mann said at the time:

The "military spirit" is akin to the spirit of "art." . . . How the hearts of our poets were immediately ablaze, once war was declared! . . . German militarism is the manifestation of German morality. . . . The militarism inherent in the German soul, its ethical conservatism, its soldier-like morality—an element of daemonism and heroism: this is what refuses to recognize the civilian spirit as a final ideal of mankind.*

Mann's conversion to Western democracy was slow but certain. He became a passionate defender of the Weimar Republic. Shortly after the advent of the National Socialist regime in 1933, he left Germany and remained abroad. On February 3, 1936, he made his first strong denunciation of the Third Reich, as a result of which he was deprived of German citizenship.

On December 19, 1936, Mann was informed that his honorary degree from the University of Bonn had been canceled:

* Thomas Mann, *Thoughts on the War* (1914), quoted in Aurel Kolnai, *The War Against the West* (New York, 1938), pp. 514-515.

Philosophical Faculty
of the Friedrich-Wilhelm University
Bonn on Rhine

Bonn, December 19, 1936

To Herr Thomas Mann, Writer:

By the request of the Rector of the University of Bonn I must inform you that as a consequence of your loss of citizenship the Philosophical Faculty finds itself obliged to strike your name off its roll of honorary doctors. Your right to use this title is canceled in accordance with Article VIII of the regulations concerning the conferring of degrees.

[signature illegible]
—DEAN

Mann's reply to this letter was a devastating indictment of the Nazi *Weltanschauung* and its meaning for Germany. It shows how far the famous novelist had progressed from the militarist spirit of 1914.

Thomas Mann's Communication to the University of Bonn, 1936 *

To the Dean of the Philosophical Faculty of the University of Bonn:
I have received the melancholy communication which you addressed to me on the nineteenth of December. Permit me to reply to it as follows:

The German universities share a heavy responsibility for all the present distresses which they called down upon their heads when they tragically misunderstood their historic hour and allowed their soil to nourish the ruthless forces which have devastated Germany morally, politically, and economically. This responsibility of theirs long ago destroyed my pleasure in my academic honor and prevented me from making any use of it whatever. Moreover, I hold today an honorary degree of Doctor of Letters conferred upon me more recently by Harvard University. I cannot refrain from explaining to you the grounds upon which it was conferred. My diploma contains a sentence which, translated from the Latin, runs as follows: ". . . we the President and Fellows with the approval of the honorable

* Both letters reprinted from *An Exchange of Letters*, by Thomas Mann, translated from the German by H. T. Lowe-Porter. By permission of Alfred A. Knopf, Inc. Copyright 1937 by Alfred A. Knopf, Inc.

Board of Overseers of the University in solemn session have designated and appointed as honorary Doctor of Letters Thomas Mann, famous author, who has interpreted life to many of our fellow-citizens and together with a very few contemporaries sustains the high dignity of German culture, and we have granted to him all the rights and privileges appertaining to this degree."

In such terms, so curiously contradictory to the current German view, do free and enlightened men across the ocean think of me and, I may add, not only there. It would never have occurred to me to boast of the words I have quoted; but here and today I may, nay, I must repeat them. If you, Herr Dean (I am ignorant of the procedure involved), have posted a copy of your communication to me on the bulletin board of your university, it would gratify me to have this reply of mine receive the same honor. Perhaps some member of the university, some student or professor, may be visited by a sudden fear, a dismaying and swiftly suppressed presentiment, on reading a document which gives him in his disgracefully enforced isolation and ignorance a brief revealing glimpse of the free world of the intellect that still exists outside.

Here I might close. And yet at this moment certain further explanations seem to me desirable or at least permissible. I made no statement when my loss of civil rights was announced, though I was more than once asked to do so. But I regard the academic divestment as a suitable occasion for a brief personal declaration. I would beg you, Herr Dean (I have not even the honor of knowing your name), to regard yourself as merely the chance recipient of a communication not designed for you in a personal sense.

I have spent four years in an exile which it would be euphemistic to call voluntary, since if I had remained in Germany or gone back there I should probably not be alive today. In these four years the odd blunder committed by fortune when she put me in this situation has never once ceased to trouble me. I could never have dreamed, it could never have been prophesied of me at my cradle, that I should spend my later years as an émigré, expropriated, outlawed, and committed to inevitable political protest. From the beginning of my intellectual life I had felt myself in happiest accord with the temper of my nation and at home in its intellectual traditions. I am better suited to represent those traditions than to become a martyr for them; far more fitted to add a little to the gaiety of the world than to foster conflict and hatred in it. Something very wrong must have happened to make my life take so false and unnatural a turn. I tried to check it, this very wrong thing, so far as my weak powers were able—and in so doing

called down on myself the fate which I must now learn to reconcile with a nature essentially foreign to it.

Certainly I challenged the wrath of these despots by remaining away and giving evidence of my irrepressible disgust. But it is not merely in the last four years that I have done so. I felt thus long before and was driven to it because I saw—earlier than my now desperate countrymen—who and what would emerge from all this. But when Germany had actually fallen into those hands I thought to keep silent. I believed that by the sacrifice I had made I had earned the right to silence; that it would enable me to preserve something dear to my heart, the contact with my public within Germany. My books, I said to myself, are written for Germans, for them above all; the outside world and its sympathy have always been for me only a happy accident. They are, these books of mine, the product of a mutually nourishing bond between nation and author and depend on conditions which I myself have helped to create in Germany. Such bonds as these are delicate and of high importance; they ought not to be rudely sundered by politics. Though there might be impatient ones at home who, muzzled themselves, would take ill the silence of a free man, I was still able to hope that a great majority of Germans would understand my reserve, perhaps even thank me for it.

These were my assumptions. They were not justified. I could not have lived or worked, I should have suffocated, had I not been able now and again to cleanse my heart, so to speak, to give from time to time free vent to my abysmal disgust at what was happening at home—the contemptible words and still more contemptible deeds. Justly or not, my name had once and for all been connected for the world with the conception of a Germany which it loved and honored. The disquieting challenge rang in my ears: that I and no other must in clear terms contradict the ugly falsification which this conception of Germany was now suffering. That challenge disturbed all the free-flowing creative fancies to which I would so gladly have yielded. It was a challenge hard to resist for one to whom it had always been given to express himself, to release himself through language, to whom experience had always been one with the purifying and preserving Word. . . .

To what a pass, in less than four years, have they brought Germany! Ruined, sucked dry body and soul by armaments with which they threaten the whole world, holding up the whole world and hindering it in its real task of peace, loved by nobody, regarded with fear and cold aversion by all, it stands on the brink of economic disaster, while its “enemies” stretch out their hands to snatch back from the abyss

so important a member of the future family of nations, to help it, if only it will come to its senses and try to understand the real needs of the world at this hour, instead of dreaming dreams about mythical "sacred necessities." . . .

The meaning and purpose of the National Socialist State is this alone and can only be this: to put the German people in readiness for the "coming war" by ruthless repression, elimination, extirpation of every stirring of opposition; to make of them an instrument of war, infinitely compliant, without a single critical thought, driven by a blind and fanatical ignorance. Any other meaning and purpose, any other excuse this system cannot have; all the sacrifices of freedom, justice, human happiness, including the secret and open crimes for which it has blithely been responsible, can be justified only by the end—absolute fitness for war. If the idea of war as an aim in itself disappeared, the system would mean nothing but the exploitation of the people, it would be utterly senseless and superfluous. . . .

No, this war is impossible; Germany cannot wage it; and if its dictators are in their senses, then their assurances of readiness for peace are not tactical lies repeated with a wink at their partisans; they spring from a faint-hearted perception of just this impossibility. But if war cannot and shall not be—then why these robbers and murderers? Why isolation, world hostility, lawlessness, intellectual interdict, cultural darkness, and every other evil? Why not rather Germany's voluntary return to the European system, her reconciliation with Europe, with all the inward accompaniments of freedom, justice, well-being, and human decency, and a jubilant welcome from the rest of the world? Why not? Only because a regime which in word and deed denies the rights of man, which wants above all else to remain in power, would stultify itself and be abolished, if, since it cannot make war, it actually made peace!

I had forgotten, Herr Dean, that I was actually addressing you. Certainly I may console myself with the reflection that you long since have ceased to read this letter, aghast at language which in Germany has long been unspoken, terrified because somebody dares use the German tongue with the ancient freedom. I have not spoken out of arrogant presumption, but out of concern and a distress from which your usurpers did not release me when they decreed that I was no longer a German—a mental and spiritual distress from which for four years not an hour of my life has been free, and struggling with which I have had to accomplish my creative work day by day. The pressure was great. And as a man who out of diffidence in religious

matters will seldom or never either by tongue or pen let the name of the Deity escape him, yet in moments of deep emotion cannot refrain, let me—since after all one cannot say everything—close this letter with a brief and fervent prayer: *God help our darkened and desecrated country and teach it to make its peace with the world and with itself!*

THOMAS MANN

143 Literature in National Socialist Germany, 1937–1942

The National Socialist policy of cultural coordination resulted in a striking decline of quality in German literature. The lowest common denominator was Hitler's *Mein Kampf*, some eight hundred pages of bombast, rhapsody, hate, and violence, which became one of the most successful best-sellers of all time in Germany. More than two million copies were sold by 1936. The book was presented to newly married couples in the registry office, awarded to students as a prize, given to workers and employees on completing fifty years of service, and widely distributed to schools and public libraries. The publication of the book became big business, as author and publisher became wealthy through the sales.

Perhaps the most notable trend of the literature, both fiction and nonfiction, was the conscious attempt to inculcate a stronger sentiment of nationalism in the German people. Most books published during this period were violently nationalistic, "truly socialist," imperialistic, anti-Semitic, anti-democratic, anti-Catholic, anti-British, and anti-American. Excerpts from three books of the period from 1937 to 1942, quoted below, show the strongly anti-Russian, anti-British, and anti-American sentiment. Between the conclusion of the Russo-German Pact of August 31, 1939, and the German attack on Russia on June 22, 1941, anti-Soviet books disappeared from the bookstores, and the publication of

manuscripts in this vein was halted. From 1941 to the end of the war the propaganda line was directed against "Jewish Bolshevism" and "Soviet Capitalism," among others.

I Excerpts from *Red Army: Red World Revolution:
Red Imperialism* (1937) *

The political policies of the Soviet Union represent an enormous danger for all states and all peoples. In most immediate danger are those who must bear the brunt of the Bolsheviks' initial attack. But all states and peoples, who believe today that they can make political or military agreements with the Soviet regime, will not be free, in the long run, from the threatening danger, even if they permit Russian troops free passage through their territory.

These agreements are directed against a country that has struck down Bolshevism in its borders and has entered the phase of a great national rebirth. International powers have poured their entire hate over National Socialist Germany. They believe that the hour has come to mobilize all international power on earth against Germany.

Moscow has taken over the leadership of this anti-German front. There are other powers, too, which endanger Germany, but Russia stands in the front line.

The responsible men in Moscow do not seem to understand that the moral and material equality of Germany, as well as military equality, has become an important cornerstone of German policy, and that Germany will never allow one boundary stone of her frontiers to be torn away by foreign armies.

If anyone remains in the dark about the meaning and the aims of Soviet policy, let him remember the words of Karl Radek: "Every day that the Soviet Union exists is a great step toward world revolution. Every day of our existence enlarges the chance that the Russian Red Army will contribute to the lessening of the birth pains of Socialism in industrial Europe."

Does the Soviet state stand today on the ground of world revolution? Without doubt it does. The Red Army is supposed to march, and its leaders are supposed to drink wine on the Rhine. To that there can be only one answer:

A UNIFIED AND MILITARILY POWERFUL GERMAN
PEOPLE!

* Adapted from Th. Adamheit, *Rote Armee: Rote Weltrevolution: Roter Imperialismus* (Berlin-Leipzig, 1937), pp. 228, 232-233.

chance that old men stand at the head of this people, old men whose every desire is for continuance of the old days.

To bring about the end of British capitalism is the only way by which all European peoples, even the English, can build a new world.

III Excerpts from *America: The Land Without a Heart* (1942) *

I know no land under the sun—with the exception of my Fatherland—for which I have had such strong love as North America.

But what have the Americans made of their fabulous land, which they acquired without much effort by a happy fate? Have they cultivated the forests, nurtured the plains, cherished the wealth of the mountains, streams, rivers, and coasts? Has there grown on free land, unhindered by old prejudices and a hard past, a free, human people? Nothing of the kind has happened! There was, indeed, a time when courageous pioneers, with rifles in their hands, left their plows and crops behind them and went westward in their creaking covered wagons to make the virgin territory fruitful and to build strong houses out of the trees of the forest.

But these days are all finished. What remains of the true pioneering spirit has been overwhelmed in a rising flood of unrestrained plundering and conscienceless profiteering.

One can then understand why the hate began to stir in me—against a system, against a spirit, against such crimes against Mother Earth. I could write another volume on the inner rot in the United States, the plundering of its natural resources and its fruitful earth, but, above all, on its people.

The American system is not worthy to win the war and to spread itself over the entire earth. Nothing in America is worthy of emulation by either Germans or other Europeans. If Americanism comes to rule the world, it will mean the decline of all human values and real freedom—the freedom “to do something,” not the freedom “of something”—for which the Occident has fought and suffered for a thousand years with all the power of its body and soul.

It does not pay for a European to change places with an American, nor should one think of it. America is a deplorable land, and the Americans are betrayed people, betrayed by their own rulers, betrayed in an indescribable way by the self-appointed President Franklin Delano Roosevelt, who speaks of “helping the poor devils,” who

* Adapted from A. E. Johann, *Das Land ohne Herz Eine Reise ins unbekannte Amerika* (Berlin, 1942), pp. 7, 15, 21, 263.

allowed his campaign fund to be helped by a band of unscrupulous capitalists, and who, in the beginning, wanted to break the chains of capitalism and then became as piously reactionary as his predecessors.

In his novel *Look Homeward, Angel*, Thomas Wolfe has one of his characters speak of the health of America, "which, in reality, is a sickness."

"Is a sickness"—what a horrible word.

No European can really understand how horrible it really is.

144 The Munich Agreement, 1938

On September 12, 1938, Hitler, already master of Austria, announced to the world that he demanded the "right of self-determination" for the Sudeten Germans of Czechoslovakia; and, furthermore, he said, if the latter cannot defend themselves, "they will receive help from us." France and Russia were explicitly bound by treaty to defend the integrity of Czechoslovakia, while Britain was involved through commitments to France. In this most dangerous international crisis since the end of World War I, it was clear that Hitler was fully prepared for the alternative of war, if necessary on a global scale.

In this critical situation, Prime Minister Neville Chamberlain of Great Britain, desperately anxious to prevent war even to the extent of appeasing Hitler, took the unprecedented step of flying to Berchtesgaden and Godesberg in order to meet the belligerent Führer. It was an extraordinary spectacle—the head of the British government literally begging for peace. "Even if it should fail," said Chamberlain, "I should still say that it is right to attempt it. For the only alternative is war." Great Britain and France, convinced that Hitler was not bluffing, decided that the only way to avoid a general European war was to accept the principle of self-determination, even for Czechoslovakia. To critics this was "selling Czechoslovakia down the river."

The climax of the Sudeten crisis took place at a meeting in Munich called by Hitler for the purpose of fixing the means

by which the Sudetenland should be transferred to Germany. The resulting Munich Agreement maintained the peace by conceding to Hitler virtually everything for which he had asked. Chamberlain triumphantly announced that Munich meant "peace in our time."

Text of the Agreement Concluded at Munich, September 29, 1938 *

Germany, the United Kingdom, France and Italy, taking into consideration the agreement, which has been already reached in principle for the cession to Germany of the Sudeten German territory, have agreed on the following terms and conditions governing the said cession and the measures consequent thereon, and by this agreement they each hold themselves responsible for the steps necessary to secure its fulfilment:

1. The evacuation will begin on the 1st October.
2. The United Kingdom, France and Italy agree that the evacuation of the territory shall be completed by the 10th October, without any existing installations having been destroyed and that the Czechoslovak Government will be held responsible for carrying out the evacuation without damage to the said installations.
3. The conditions governing the evacuation will be laid down in detail by an international commission composed of representatives of Germany, the United Kingdom, France, Italy and Czechoslovakia.
4. The occupation by stages of the predominantly German territory by German troops will begin on the 1st October. The four territories marked on the attached map will be occupied by German troops in the following order: the territory marked No. I on the 1st and 2nd of October, the territory marked No. II on the 2nd and 3rd of October, the territory marked No. III on the 3rd, 4th and 5th of October, the territory marked No. IV on the 6th and 7th of October. The remaining territory of preponderantly German character will be ascertained by the aforesaid international commission forthwith and be occupied by German troops by the 10th of October.
5. The international commission referred to in paragraph 3 will determine the territories in which a plebiscite is to be held. These territories will be occupied by international bodies until the plebiscite

** Further Documents Respecting Czechoslovakia. Including the Agreement Concluded at Munich on September 29, 1938. Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty, Misc. No. 8 (1938), Cmd 5848 (His Majesty's Stationery Office, London, 1938), pp. 2, 3-6.*

has been completed. The same commission will fix the conditions in which the plebiscite is to be held, taking as a basis the conditions of the Saar plebiscite. The commission will also fix a date, not later than the end of November, on which the plebiscite will be held.

6. The final determination of the frontiers will be carried out by the international commission. This commission will also be entitled to recommend to the four Powers, Germany, the United Kingdom, France and Italy, in certain exceptional cases minor modifications in the strictly ethnographical determination of the zones which are to be transferred without plebiscite.

7. There will be a right of option into and out of the transferred territories, the option to be exercised within six months from the date of this agreement. A German-Czechoslovak commission shall determine the details of the option, consider ways of facilitating the transfer of population and settle questions of principle arising out of the said transfer.

8. The Czechoslovak Government will within a period of four weeks from the date of this agreement release from their military and police forces any Sudeten Germans who may wish to be released, and the Czechoslovak Government will within the same period release Sudeten German prisoners who are serving terms of imprisonment for political offences.

ADOLF HITLER
NEVILLE CHAMBERLAIN
ÉDOUARD DALADIER
BENITO MUSSOLINI

Munich, September 29, 1938.

145 German Demands on Poland, 1939

The extinction of Czechoslovakia proved the bankruptcy of the policy of purchasing peace by appeasement. On March 31, 1939, the British government announced what was an epochal departure for British diplomacy (which, hitherto, had avoided entanglements east of the Rhine) by extending a guarantee of independence and integrity to Poland. Infuriated, Hitler, on April 27th, dispatched a memorandum to England accusing the British

of pursuing a policy of encirclement and "unilaterally depriving the Naval Agreement of June 18, 1935, of its basis." The next day, April 28th, Germany denounced the ten-year German-Polish Nonaggression Pact of 1934. In a long speech to the Reichstag, Hitler renewed demands earlier made on Poland for the recovery of Danzig and for the cession of a strip of Polish territory for a route across to East Prussia, in effect, a corridor across the Polish Corridor. Germany was prepared, Hitler said, to allow Poland certain rights in Danzig and to guarantee the Polish boundaries.

When the Poles refused, the Hitlerian technique followed its customary pattern: The Nazi propaganda machine issued lurid details of systematic persecutions of the helpless German minority in Poland.

Extracts from Speech by Hitler to the Reichstag, April 28, 1939 *

. . . There is little to be said as regards German-Polish relations. Here, too, the Treaty of Versailles—of course intentionally—inflicted a most severe wound on Germany. The strange way in which the Corridor, giving Poland access to the sea, was marked out was meant above all to prevent for all time the establishment of an understanding between Poland and Germany. This problem is—as I have already stressed—perhaps the most painful of all problems for Germany. Nevertheless I have never ceased to uphold the view that the necessity of free access to the sea for the Polish State cannot be ignored, and that as a general principle, which also applies in this case, nations whom Providence has destined or, if you like, condemned to live side by side would be well advised not to make life unnecessarily harder for each other.

The late Marshal Pilsudski, who was of the same opinion, was prepared to go into the question of taking the sting out of German-Polish relations, and finally to conclude an Agreement whereby Germany and Poland expressed their intention of renouncing war altogether as a means of settling the questions which concerned them both. This Agreement contained one single exception which in practice was conceded to Poland. It was laid down that the pacts of mutual

* German Library of Information, *Documents on the Events Preceding the Outbreak of the War*, compiled and published by the German Foreign Office (Berlin, 1939; New York, 1940), No. 214, pp. 226-229.

assistance already entered into by Poland—meaning the pact with France—should not be affected by the Agreement. But it was obvious that this could apply only to the mutual assistance pact which had been previously concluded, and not to any new pacts which might be concluded in the future. It is a fact that the German-Polish Agreement contributed a very remarkable *détente* to the European situation.

Nevertheless there remained one unsettled question between Germany and Poland, which naturally had to be solved sooner or later—the question of the German city of Danzig. Danzig is a German city and wishes to belong to Germany. On the other hand, this city has treaties with Poland, which, however, were forced upon her by the dictators of Versailles. But since the League of Nations, formerly the greatest fomentor of trouble, is now represented by a High Commissioner of extraordinary tact, the problem of Danzig must in any case come up for discussion, to be solved at the latest when this calamitous institution finally comes to an end. I regard the peaceful settlement of this problem as a further contribution to a final relaxation of European tension. . . .

These problems cannot be solved according to old-fashioned theories; I think, rather, that we should adopt new methods. Poland's access to the sea by way of the Corridor, and *pari passu* a German route through the Corridor, have no kind of military importance whatsoever. Their importance is exclusively psychological and economic. He who accords military importance to a traffic route of this kind shows himself completely ignorant of military affairs.

I have now had the following proposal submitted to the Polish Government:

1. Danzig returns as a Free State into the framework of the German Reich.
2. Germany receives a route through the Corridor and a railway line at her own disposal, having the same extraterritorial status for Germany as the Corridor itself has for Poland.

In return Germany is prepared:

- 1) to recognize all Polish economic rights in Danzig,
- 2) to ensure for Poland a free harbor in Danzig of any size desired to which she (Poland) would have completely free access,
- 3) thereupon to accept the frontiers between Germany and Poland and to regard them as final,
- 4) to conclude a twenty-five-year non-aggression pact with Poland, that is, a pact which would extend far beyond the duration of my own life, and

- 5) to safeguard the independence of the Slovak State jointly with Poland and Hungary, which means in practice the renunciation of any unilateral German hegemony in this territory.

The Polish Government have rejected my offer and have only declared that they are prepared

1. to negotiate concerning the question of a substitute for the League Commissioner, and
2. to consider facilities for through traffic across the Corridor.

I sincerely regretted this incomprehensible attitude on the part of the Polish Government. But that alone is not the decisive factor. Far worse is the fact that Poland, like Czechoslovakia a year ago, now believes, under the pressure of lying international agitation, that she must call up troops, although Germany on her part has not called up a single man and has not thought of taking any kind of action against Poland. As I have said, this is in itself very regrettable, and some day posterity will decide whether it was really right to refuse this proposition, which I make once and only once. This was, as I have said, an endeavor on my part to solve, by a truly unique compromise, a problem intimately affecting the entire German people, and to solve it to the advantage of both countries. . . .

146 Hitler on England, 1939

Seldom, if ever, in the history of diplomacy has the mendacity of a ruler of a state been so thoroughly exposed as that of Adolf Hitler following the capture of German documents by the victorious Allies in 1945. In *Mein Kampf*, a thoroughgoing panegyric to the idea that the end justifies the means, Hitler had indicated that the more often a lie was repeated for propaganda purposes the more people would believe it. The Nazi Führer well understood the technique of the lie.

On April 28, 1939, for example, Hitler, utilizing the German Reichstag for domestic and foreign propaganda purposes, spoke, apparently sincerely, of his idea of "close friendship and collaboration between Germany and Britain," of his "realization of the importance of the existence of the British Empire for the

whole of mankind," and of "genuine, lasting friendship between these two nations." Three weeks after his Reichstag speech, in a secret conference with his generals, Hitler stated that England was Germany's enemy, that the conflict with England would be a life-and-death struggle, and that, in the event of war with England, the enemy must be attacked without considerations of right or wrong, or treaties. The extraordinarily cynical nature of Nazi diplomacy is revealed by the text of these speeches and many other, similar documents.

I Extracts from Speech by Hitler to the Reichstag, April 28, 1939 *

. . . During the whole of my political activity I have always stood for the idea of close friendship and collaboration between Germany and Britain. In my movement I found innumerable others of like mind. Perhaps they joined me because of my attitude in this matter. This desire for Anglo-German friendship and cooperation conforms not merely to my sentiments which result from the origins of our two peoples but also to my realization of the importance of the existence of the British Empire for the whole of mankind.

I have never left room for any doubt of my belief that the existence of this Empire is a factor of inestimable value for the whole of human cultural and economic life. By whatever means Great Britain acquired her colonial territories—and I know that they were always those of force and very often extreme brutality—nevertheless, I am well aware that no other Empire has ever come into being in any other way, and that in the final resort it is not so much the methods that are taken into account in history, as success, and not the success of the methods as such, but rather the general good which has accrued from such methods.

Now, there is no doubt that the Anglo-Saxon people have accomplished colonizing work of immeasurable value in the world. For this work I have sincere admiration. The thought of destroying this labor would and does appear to me, from a higher human point of view, as nothing but the effluence of human wanton destructiveness. Yet my sincere respect for this achievement does not mean that I will neglect to secure the life of my own people.

* German Library of Information. *Documents on the Events Preceding the Outbreak of the War*, compiled and published by the German Foreign Office (Berlin, 1939; New York, 1940), No. 295, pp. 314-317.

I regard it as impossible to achieve a lasting friendship between the German and Anglo-Saxon peoples, if the latter will not recognize that there are not only British but also German interests—not only that the preservation of the British Empire is the meaning and purpose of the lives of Britishers, but also that for Germans the freedom and preservation of the German Reich is their life purpose. A genuine, lasting friendship between these two nations is conceivable only on the basis of mutual regard.

The British people rules a great Empire. It built up this Empire at a time when the German people was internally weak. Previously, Germany had been a great Empire. At one time she ruled the Occident. In bloody struggles and religious dissensions and as a result of internal political disintegration, this Empire declined in power and greatness, and finally fell into a deep sleep. But, when this old Empire appeared to have reached its end, the seeds of its rebirth were already springing up. From Brandenburg and Prussia there arose a new Germany, the Second Reich, and out of it has grown at last the German People's Reich.

I hope that all British people understand that we do not possess the slightest feeling of inferiority to Britishers. Our historical past is too tremendous for that!

Britain has given the world many great men, and Germany has produced no fewer. The severe struggle to maintain the life of our people has cost us in the course of three centuries for the mere defense of the Reich, a sacrifice of lives which far exceeds that which other peoples have had to make in order to maintain their existence. If Germany, a country which was forever being attacked, was not able to retain her possessions, but was compelled to sacrifice many of her provinces, this was due solely to her political maldevelopment and resulting impotence! That condition has now been overcome. Therefore, we Germans do not feel in the least inferior to the British nation. Our self-esteem is just as great as an Englishman's pride in England. In the history of our people, now of some two thousand years' standing, there are deeds and events enough to fill us with sincere pride.

Now, if Britain cannot appreciate our point of view, but thinks perchance that she may regard Germany as a vassal state, then, of course, our affection and friendship have been offered in vain. We shall not despair or lose heart on that account, but—relying on the consciousness of our own strength and on the strength of our friends—we shall then find ways and means to secure our independence without impairing our dignity. . . .

I still hope that we shall be able to avoid an armaments race with

Britain. If, however, the British government should wish to enter once more into negotiations with Germany on this problem, no one would be happier than I at the prospect of being able, after all, to come to a clear and straightforward understanding.

Moreover, I know my people—and I rely on them. We do not want anything that did not formerly belong to us, and no state will ever be robbed by us of its property; but whoever believes that he is able to attack Germany will find himself confronted with a measure of power and resistance compared with which, that of 1914 is negligible. . . .

II Extracts from the Minutes of a Secret Conference of Hitler and the German Army Chiefs, May 23, 1939 *

. . . The Führer doubts the possibility of a peaceful settlement with England. We must prepare ourselves for the conflict. England sees in our development the foundations of a hegemony which would weaken England. England is therefore our enemy, and the conflict with England will be a life-and-death struggle.

What will this struggle be like? England cannot deal with Germany and subjugate us with a few powerful blows. It is imperative for England that the war should be brought as near to the Ruhr Basin as possible. French blood will not be spared (West Wall). The possession of the Ruhr Basin will determine the duration of our resistance. . . .

The Dutch and Belgian air bases must be occupied by armed force. Declarations of neutrality must be ignored. If England and France intend the war between Germany and Poland to lead to a conflict, they will support Holland and Belgium in their neutrality and make them build fortifications, in order finally to force them into cooperation.

Albert under protest, Belgium and Holland will yield to pressure.

Therefore, if England intends to intervene in the Polish war, we must occupy Holland with lightning speed. We must aim at securing a new defense line on Dutch soil up to the Zuider Zee. . . .

England is the driving force against Germany. Her strength lies in the following:

1. The British themselves are proud, courageous, tenacious, firm in resistance, and gifted as organizers. They know how to exploit

* From shorthand notes of Oberstleutnant Rudolf Schmundt, in *Trials of the Major War Criminals before the Nuremberg Military Tribunals* (U.S. Government Printing Office, Washington, 1949-1952), No. L 79.

every new development. They have the love of adventure and bravery of the Nordic race. Quality is lowered by dispersal. The German average is higher.

2. World power in itself. It has been constant for three hundred years. Extended by the acquisition of allies. This power is not merely something concrete, it also must be considered as a psychological force embracing the entire world. Add to this immeasurable wealth, with consequential financial credit.

3. Geopolitical safety and protection by strong manpower and a courageous Air Force.

England's weakness.

If in World War I we had had two battleships and two cruisers more, and if the Battle of Jutland had begun in the morning, the British fleet would have been defeated and England brought to her knees. It would have meant the end of the war. It was formerly not sufficient to defeat the fleet; landings had to be made in order to defeat England. England could provide her own food supplies. Today that is no longer possible.

The moment England's food supplies are cut, England is forced to capitulate. The importation of food and oil depends on the fleet's protection.

If the German Air Force attacks English territory, England will not be forced to capitulate in one day. But if the fleet is destroyed, immediate capitulation will be the result. . . .

1. An effort must be made to deal the enemy a significant or the final decisive blow. Considerations of right or wrong, or treaties, do not enter into the matter. This will be possible only if we are not involved in a war with England on account of Poland.

2. In addition to the surprise attack, preparations for a long war must be made, while opportunities on the Continent for England are eliminated.

The Army will have to hold positions essential to the Navy and Air Force. If Holland and Belgium are successfully occupied and held, and if France is also defeated, the fundamental conditions for a successful war against England will have been secured.

England can then be blockaded from western France at close quarters by the Air Force, while the Navy with its submarines can extend the range of the blockade.

147 The Russo-German Nonaggression Pact, 1939

On August 23, 1939, Germany and the Soviet Union, acting through Foreign Ministers Joachim von Ribbentrop and Vyacheslav Mikhailovich Molotov, signed a nonaggression pact at Moscow. The agreement, effective for ten years, provided that Germany and Russia would in no case resort to war against each other, would not support any third power that attacked either signatory, and would consult with each other on matters of common interest.

The announcement of the Nazi-Soviet Pact struck the democracies like a bombshell. Two days later, on August 25th, Britain replied by confirming her guarantee of support to Poland by a formal Anglo-Polish alliance. It was clear now that the democracies believed that another surrender to Hitler would mean the final and irrevocable abdication of their position as Great Powers.

It seemed to be incredible that, after the bitter attacks of Bolshevism and Nazism on each other, Hitler and Stalin should have become diplomatic partners. But Hitler wanted to make sure that, in the event Britain and France came to Poland's aid, he would not have to worry about an immediate eastern front. Later, after the western states had been defeated, he could easily accuse Moscow of broken faith. And Stalin, worried about Hitler's successes, and uncertain about the intentions of Britain and France, wanted extra time to carry on his militarization of Russia. Both Hitler and Stalin were practicing their versions of *Realpolitik*.

Text of the Treaty of Nonaggression Between Germany and the U.S.S.R., August 23, 1939 *

Guided by the desire to strengthen the cause of peace between Germany and the Union of Socialist Soviet Republics, and basing them-

* German Library of Information, *Documents on the Events Preceding the Outbreak of the War*, compiled and published by the German Foreign Office (Berlin, 1939; New York, 1940), No. 348, pp. 370-371.

selves on the fundamental stipulations of the Neutrality Agreement concluded between Germany and the Union of Socialist Soviet Republics in April, 1926, the German Government and the Government of the Union of Socialist Soviet Republics have come to the following agreement:

ARTICLE 1. The two contracting parties undertake to refrain from any act of force, any aggressive act, and any attacks against each other undertaken either singly or in conjunction with any other Powers.

ARTICLE 2. If one of the contracting parties should become the object of war-like action on the part of a third Power, the other contracting party will in no way support the third Power.

ARTICLE 3. The Governments of the two contracting parties will in future remain in consultation with one another in order to inform each other about questions which touch their common interests.

ARTICLE 4. Neither of the two contracting parties will join any group of Powers which is directed, mediately or immediately, against the other party.

ARTICLE 5. In case disputes or conflicts on questions of any kind should arise between the two contracting parties, the two partners will solve these disputes or conflicts exclusively by friendly exchange of views or if necessary by arbitration commissions.

ARTICLE 6. The present agreement is concluded for the duration of ten years with the stipulation that unless one of the contracting partners denounces it one year before its expiration, it will automatically be prolonged by five years.

ARTICLE 7. The present agreement shall be ratified in the shortest possible time. The instruments of ratification are to be exchanged in Berlin. The treaty comes into force immediately it has been signed.

Done in two original documents in the German and Russian languages, respectively.

Moscow, August 23, 1939.

For the German Government
RIBBENTROP

As plenipotentiary of the Government of the Union of Socialist Soviet Republics

MOLOTOV

148 The German Case in World War II

Early in the morning of September 1, 1939, without a declaration of war, German troops and planes crossed the Polish border, the first major move of World War II. In a speech before the Reichstag on that same day, Hitler stated the German case on the justification for war.

Hitler's apologia may be compared with documents captured and made public after the war. On August 22, 1939, a week before the attack on Poland, Hitler informed his high-ranking military officers at Berchtesgaden in confidence: "Everything depends on me, on my existence. . . . No one will ever again have the confidence of the whole German people as I have. There will probably never again be a man in the future with more authority. . . . For us it is easy to make decisions. We have nothing to lose. . . . All these fortunate circumstances will no longer prevail in two or three years. . . . Therefore, conflict is better now. I am only afraid that at the last minute some *Schweinehund* [pig-dog] will make a proposal for mediation. . . . I shall give a propagandist cause for starting the war, never mind whether it is plausible or not. The victor will not be asked, later on, whether we told the truth or not. In starting and making a war, it is not the Right that matters, but victory." *

Speech by the Führer to the Reichstag, September 1, 1939 †

Members of the German Reichstag:

For months we have been tormented by a problem once wished upon us by the dictated Treaty of Versailles and which has now

* *Trials of the Major War Criminals before the Nazi Nuremberg Tribunals* (U.S. Government Printing Office, Washington, 1949-1952), II, 286-291; XXVI, Document 798-PS, pp. 338-344; and XXVI, Document 1014-PS, pp. 523-524.

† German Library of Information, *Documents on the Events Preceding the Outbreak of War*, compiled and published by the German Foreign Office (Berlin, 1939; New York, 1940), No. 471, pp. 498-504.

assumed such a character as to become utterly intolerable. Danzig was and is a German city. The Corridor was and is German. All these districts owe their cultural development exclusively to the German people, without whom absolute barbarism would prevail in these eastern tracts of country. Danzig was separated from us. The Corridor was annexed by Poland. The German minorities living there were ill-treated in the most appalling manner. More than a million persons with German blood in their veins were compelled to leave their homes as early as 1919-1920. Here, as always, I have attempted to change this intolerable state of affairs by means of peaceful proposals for a revision. It is a lie when the world alleges that we always used pressure in attempting to carry out any revision. There was ample opportunity for fifteen years before National Socialism assumed power to carry through revisions by means of a peaceful understanding. This was not done. I myself then took the initiative in every single case, not only once, but many times, to bring forward proposals for the revision of absolutely intolerable conditions.

As you know, all these proposals were rejected. I need not enumerate them in detail: proposals for a limitation of armaments, if necessary even for the abolition of armaments, proposals for restrictions on methods of warfare, proposals for eliminating methods of modern warfare, which, in my opinion, are scarcely compatible with international law. You know the proposals which I made as to the necessity of restoring German sovereign rights in certain territories of the Reich, those countless attempts I made to bring about a peaceful solution of the Austrian problem and, later on, of the Sudetenland, Bohemia and Moravia. It was all in vain. One thing, however, is impossible: to demand that a peaceful revision should be made of an intolerable state of affairs—and then obstinately refuse such a peaceful revision. It is equally impossible to assert that in such a situation to act on one's own initiative in making a revision is to violate a law. For us Germans the dictated Treaty of Versailles is not a law. It will not do to blackmail a person at the point of a pistol, with the threat of starvation for millions of people, into signing a document and afterwards proclaim that this document with its forced signature was a solemn law.

In the case of Danzig and the Corridor I have again tried to solve the problems by proposing peaceful discussions. One thing was obvious: They had to be solved. That the date of the solution may perhaps be of little interest to the Western Powers is conceivable. But this date is not a matter of indifference to us. First and foremost, however, it was not and could not be a matter of indifference to the

suffering victims. In conversations with Polish statesmen, I have discussed the ideas which you have heard me express here in my last speech to the Reichstag. No one can maintain that this was an unjust procedure or even unreasonable pressure.

I then had the German proposals clearly formulated, and I feel bound to repeat once more that nothing could be fairer or more modest than those proposals submitted by me. And I now wish to declare to the whole world that I, and I alone, was in a position to make such proposals. For I know quite definitely that I was thereby acting contrary to the opinion of millions of Germans.

Those proposals were rejected. But more than that, they were replied to by mobilization, by increased terrorism, by intensified pressure on the German minorities in those areas, and by a gradual economic and political strangulation of the Free City of Danzig, which during the past few weeks found its expression in military measures and traffic restrictions. Poland virtually began a war against the Free City of Danzig. Furthermore she was not prepared to settle the problem of the Corridor in a fair manner satisfying the interests of both parties. And lastly, Poland has never thought of fulfilling her obligations with regard to the minorities. In this connection I feel it necessary to state that Germany has fulfilled her obligations in this respect. Minorities domiciled in Germany are not subject to persecution. Let any Frenchman get up and declare that French citizens living in the Saar territory are oppressed, ill-treated or deprived of their rights. No one can make such an assertion.

For four months I have watched these developments without taking action but not without issuing repeated warnings. Recently I have made these warnings more and more emphatic. Over three weeks ago the Polish Ambassador was, at my request, informed that if Poland persisted in sending further notes in the nature of an ultimatum to Danzig and in further oppressing the German minorities, or if attempts were made to bring about the economic ruin of Danzig by means of customs restrictions, Germany would no longer stand aside and remain inactive. I have left no room for doubt that in this respect the Germany of today is not to be confused with postwar Germany. . . .

I am determined to eliminate from the German frontiers the element of insecurity, the atmosphere which permanently resembles that of civil war. I shall see to it that on the eastern frontier the same peaceful conditions prevail as on our other frontiers.

All actions in fulfillment of this aim will be carried out in such a way as not to contradict the proposals which I made known to you

HITLER'S ANNEXATIONS

BEFORE WORLD WAR II

REMILITARIZED	MARCH 1936
ANNEXED	MARCH-OCTOBER 1938
OCCUPIED	MARCH 1939
ANNEXED	MARCH-SEPTEMBER 1939



here, Members of the Reichstag, as my proposals to the rest of the world.

That is, I will not wage war against women and children! I have instructed my Air Force to limit their attacks to military objectives. But should the enemy think this gives him *carte blanche* to fight in the opposite way, then he will get an answer which will drive him out of his senses!

In the night Polish soldiers of the Regular Army fired the first shots in our own territory. Since 5:45 A.M. we have been returning their fire. And from now onwards every bomb will be answered by another bomb. Whoever fights with poison gas will be fought with poison gas. Whoever disregards the rules of human warfare can but expect us to do the same.

I will carry on this fight, no matter against whom, until such time as the safety of the Reich and its rights are secured!

For more than six years now I have been engaged in building up the German armed forces. During this period more than 90 billion Reichsmarks have been expended in creating our armed forces. Today, they are the best equipped in the world and are far superior to those of 1914. My confidence in them can never be shaken.

In calling up these forces, and in expecting the German people to make sacrifices, if necessary unlimited sacrifices, I have done only what I have a right to do; for I myself am just as ready today as I was in the past to make every personal sacrifice. There is nothing I demand of any German which I myself was not prepared to do at any moment for more than four years. There shall not be any deprivations for Germans in which I myself shall not immediately share. From this moment my whole life shall belong more than ever to my people. I now want to be nothing but the first soldier of the German Reich.

Therefore, I have once again put on that uniform which was always so sacred and dear to me. I shall not lay it aside until after the victory—or I shall not live to see the end.

Should anything happen to me in this war, my first successor shall be Party Member Göring. Should anything happen to Party Member Göring, his successor shall be Party Member Hess. To these men as your leaders you would then owe the same absolute loyalty and obedience that you owe me. In the event that something fatal should happen to Party Member Hess, I am about to make legal provisions for the convocation of a Senate appointed by me, who shall then elect the worthiest, that is to say the most valiant among themselves.

As a National Socialist and a German soldier, I enter upon this fight with a stout heart! My whole life has been but one continuous

struggle for my people, for the rebirth of Germany, and that whole struggle has been inspired by one single conviction: Faith in my people!

One word I have never known: Capitulation. If, however, there should be any one who thinks that we are on the verge of hard times, I would urge him to consider the fact that at one time a Prussian king ruling over a ridiculously small state confronted one of the greatest coalitions ever known and came forth victorious after three campaigns, simply because he was possessed of that undaunted spirit and firm faith which are required of us in these times.

As for the rest of the world, I can only assure them that November, 1918, shall never occur again in German history.

I ask of every German what I myself am prepared to do at any moment: to be ready to lay down his life for his people and for his country.

If any one thinks that he can evade this national duty directly or indirectly, he will perish. We will have nothing to do with traitors. We are acting only in accordance with our old principle. Our own life matters nothing, all that matters is that our people, that Germany shall live.

I expect of you, as deputies of the Reich, that you will do your duty in whatever position you are called upon to fill. You must bear the standard of resistance, cost what it may. Let no one report to me at any time that his province, his district, his group or his cell are losing heart. It is you who are responsible for public feeling. I am responsible for public feeling throughout Germany and you are responsible for public feeling in your provinces and districts. No one has the right to shelve this responsibility. The sacrifice that is demanded of us is not greater than the sacrifice which has been made by many generations in the past. All those men who before us have trod the hardest and most difficult path for Germany's sake did nothing less than we are called upon to do; the sacrifice they made was no less costly, no less painful, and therefore no easier than the sacrifice that may be demanded of us.

I also expect every German woman to take her place with unflinching discipline in this great fighting community.

German Youth, needless to say, will do, with heart and soul, what is expected and demanded of it by the nation and by the National Socialist State.

If we form this community, fused together, ready for anything, determined never to capitulate, our firm resolve will master every emergency.

I conclude with the words with which I once started my fight for power in the Reich. At that time I said: "If our will is so strong that no emergency can break it, then our will and our good German sword will master and subjugate even need and distress."

GERMANY—SIEG HEIL!

149 The Hostage System in Poland, 1939

The pattern of the German hostage system, which aroused much world resentment in World War I, was repeated in World War II. The treatment of defeated populations was especially severe in Poland, where the inhabitants, considered racially inferior by Nazi fiat, were required to raise their hats to Germans, where German nationals were to be served first in the shops, and where it was made clear that "the streets belong to the victors not the vanquished."

The following news report from a German newspaper in Occupied Poland reveals the nature of the hostage system.

News Report on the Execution of Ten Saboteurs, October 23, 1939 *

On the night of October 21st-22nd the home of Superintendent Fritze, a German national, outside the village of Petztin, in the Tuchel district, was set afire by Polish bandits. The superintendent died of heart failure.

The Head of the Civil Administration concurring, a punitive measure has been effected in the village as a means of conveying to the guilty bandits the information that such cunning acts will be avenged with extreme severity. As retribution and as a deterrent, ten Poles known for their anti-German attitude have been shot. Moreover, the Polish population of the district has been ordered to rebuild the burnt-out buildings and make good the entire damage.

Care is being taken that such events shall not recur, and that all who resist the restoration of order shall be frustrated. The majority

* *Weichsel Zeitung*, October 23, 1939.

of the population support the measures of the German authorities, since it means everything to them to be able to live in peace under the firmly established German administration.

150 The Occupation of Poland, 1939–1940

On October 3, 1939, Hans Frank, then Chief Civil Administrative Officer for occupied Polish territory, described the policy which he intended to put into effect: "Poland shall be treated like a colony; the Poles will become slaves of the Greater German World Empire." * The German occupation of Poland was based on the complete destruction of Poland as a national entity, and regarded Polish nationality as "labor power and nothing more." The use of terrorism and the economic exploitation of the people led to death and starvation. A million Poles were sent to Germany as slave laborers, and at least three million Jews were murdered. If the policy of Germanization of the Poles on German territory in the late nineteenth century was difficult and not too successful, the Nazi policy of Germanization of the Poles was inhuman and effective.

Below is a decree by Hans Frank establishing the Institute for German Eastern Work in Poland, a Nazi version of the old East Mark Association. Behind its innocuous-sounding phrases about "research" was the simple intention to subjugate Germany's share of Poland and make it subservient to the Third Reich. Its author, Hans Frank, was found guilty at Nuremberg of crimes against peace and crimes against humanity, sentenced to death, and executed.

* Quoted in G. M. Gilbert, *Nuremberg Diary* (New York, 1947), pp. 441–442.

**Decree for the Establishment of the Institute for
German Eastern Work in Poland, April 19, 1940 ***

On the basis of Paragraph I of Section 5 of the Decree of the *Fuhrer* and Reich Chancellor concerning the administration of the occupied Polish territories (*Reich Law Journal*, L,2077), I hereby decree:

SECTION 1. The Institute for German Eastern Work shall be established for the purpose of continuing and intensifying German research work in the East.

SECTION 2. The Institute for German Eastern Work shall be a corporation existing under common law, and shall be directly subordinate to the Governor-General. Its headquarters shall be in Cracow.

SECTION 3. The task of the Institute for German Eastern Work shall be to explain scientifically all basic questions relating to the Eastern area insofar as they shall affect the General Government, and also to publish and disseminate the results of research. In the performance of this task the Institute for German Eastern Work shall collaborate with other bodies having similar aims.

SECTION 4. The President of the Institute for German Eastern Work shall be the Governor-General. He shall represent the institute both legally and extralegally.

SECTION 5. The budget of the Institute for German Eastern Work shall be met by the revenue of the Government General.

SECTION 6. In other matters the legal relationships of the Institute for German Eastern Work shall be regulated by a statute to be issued by the Governor-General.

Cracow, April 19, 1940.

The Governor-General for the
Occupied Polish Territories,
[Signed] FRANK

151 The Berlin-Rome-Tokyo Axis, 1940

On September 27, 1940, Germany, Italy, and Japan signed in Berlin a ten-year military and economic treaty, by which they

* Translated from the *Decree Concerning the Establishment of the Institute for German Eastern Work in the General Government in Occupied Poland* (Cracow, April 19, 1940).

pooled their armaments and promised to assist one another against the United States if one of them became involved in a war with America. With this action the Rome-Berlin Axis was extended into what was called the "Pact of Steel."

Hungary joined the Axis on November 20, 1940; Rumania on November 23, 1940; Slovakia on November 24, 1940; and Bulgaria on March 1, 1941. Yugoslavia signed on March 25, 1941, but stipulated that Axis troops should not march through the country and that its territorial sovereignty be respected. Two days later, the Yugoslav regime which signed the agreement was overthrown, and the new Cabinet refused to ratify the agreement. The Axis powers immediately marched into Yugoslavia and subjugated it. Croatia, a part of conquered Yugoslavia, joined the Axis on June 15, 1941.

Text of the Treaty of Berlin, September 27, 1940 *

The governments of Germany, Italy, and Japan, considering it as a condition precedent of any lasting peace that all nations of the world be given each its proper place, have decided to stand by and cooperate with one another in regard to their efforts in Greater East Asia and regions of Europe respectively wherein it is their prime purpose to establish and maintain a new order of things calculated to promote the mutual prosperity and welfare of the peoples concerned.

Furthermore, it is the desire of the three governments to extend cooperation to such nations in other spheres of the world as may be included to put forth endeavors along lines similar to their own, in order that their ultimate aspirations for world peace may thus be realized.

Accordingly, the governments of Germany, Italy and Japan have agreed as follows:

ARTICLE 1. Japan recognizes and respects the leadership of Germany and Italy in establishment of a new order in Europe.

ARTICLE 2. Germany and Italy recognize and respect the leadership of Japan in the establishment of a new order in Greater East Asia.

ARTICLE 3. Germany, Italy and Japan agree to cooperate in their efforts on aforesaid lines. They further undertake to assist one another with all political, economic and military means when one of the three

* The official English translation of the treaty, quoted in *World Almanac* (New York, 1942), p. 273.

contracting powers is attacked by a power at present not involved in the European war or in the Chinese-Japanese conflict.

ARTICLE 4. With the view of implementing the present pact, joint technical commissions, members of which are to be appointed by the respective governments of Germany, Italy and Japan, will meet without delay.

ARTICLE 5. Germany, Italy and Japan affirm that the aforesaid terms do not in any way affect the political status which exists at present as between each of the three contracting parties and Soviet Russia.

ARTICLE 6. The present pact shall come into effect immediately upon signature and shall remain in force ten years from the date of its coming into force. At the proper time before expiration of said term the high contracting parties shall at the request of any of them enter into negotiations for its renewal.

In faith whereof, the undersigned, duly authorized by their respective governments, have signed this pact and have affixed hereto their signatures.

Done in triplicate at Berlin, the 27th day of September, 1940, in the eighteenth year of the Fascist era, corresponding to the 27th day of the ninth month of the fifteenth year of Showa [the reign of Emperor Hirohito].

152 War Song Against England, 1940

In World War II, as in World War I, the hatred of the German public was directed especially against England. The following patriotic song, "Bombs on England," composed in 1940, was a streamlined version of the old "Hasslied" of World War I.

Bombs on England, 1940 *

We challenge the lion of Britain,
For the last and decisive cup.
We judge and we say
An Empire breaks up.

* H. Niels, "Bombs on England" (Berlin, 1940).

This sure is our proudest day,
Comrade, Comrade,
The orders are here,
We start right away.

Go, get on, get on,
The motto is known;
Get on to the foe,
Get on to the foe!
BOMBS ON ENGLAND!

Listen to the engine singing,
Get on to the foe!
Listen, in your ears it's ringing,
Get on to the foe.
BOMBS, OH BOMBS, OH BOMBS ON ENGLAND!

153 The Policy of Genocide, 1942

Americans had been hearing about concentration camps in Germany for years. But the American troops who captured these camps in 1945 were nauseated by the scenes of inhumanity which met their eyes. The full details, revealed at the Nuremberg trials, shocked the entire world. The extermination of some twelve million noncombatants by coldly organized plan was the darkest page the Nazis contributed to the history of Germany. It was necessary to coin a new word to describe this slaughter—"genocide" (from the Greek *genos*, people or clan, and the Latin *cide*, killing).

To Heinrich Himmler, dean of the Nazi murderers, the Germans were "a product of the law of selection," and they were held together by "Nordic-Aryan-Germanic blood." On this principle of "blood, selection, and austerity," millions of Jews were sent to the gas chamber or the execution squad. There has been nothing to compare with it in the whole history of civilization.

At Nuremberg, Hermann Gräbe, a German construction

engineer working in the Ukraine at the time of the Jewish massacres, described what he saw.

Execution of the Jews at Dubno, October 5, 1942 *

On October 5, 1942, when I visited the building office at Dubno, my foreman told me that in the vicinity of the site, Jews from Dubno had been shot in three large pits, each about 30 metres long and 3 metres deep. About 1,500 persons had been killed daily. All the 5,000 Jews who had still been living in Dubno before the pogrom were to be liquidated. As the shooting had taken place in his presence, he was still much upset.

Thereupon, I drove to the site accompanied by my foreman and saw near it great mounds of earth, about 30 metres long and 2 metres high. Several trucks stood in front of the mounds. Armed Ukrainian militia drove the people off the trucks under the supervision of an S.S. man. The militiamen acted as guards on the trucks and drove them to and from the pit. All these people had the regulation yellow patches on the front and back of their clothes, and thus could be recognized as Jews.

My foreman and I went directly to the pits. Nobody bothered us. Now I heard rifle shots in quick succession from behind one of the earth mounds. The people who had got off the trucks—men, women and children of all ages—had to undress upon the orders of an S.S. man, who carried a riding or dog whip. They had to put down their clothes in fixed places, sorted according to shoes, top clothing and underclothing. I saw a heap of shoes of about 800 to 1,000 pairs, great piles of underlinen and clothing.

Without screaming or weeping, these people undressed, stood around in family groups, kissed each other, said farewells, and waited for a sign from another S.S. man, who stood near the pit, also with a whip in his hand. During the fifteen minutes that I stood near I heard no complaint or plea for mercy. I watched a family of about eight persons, a man and a woman both about fifty with their children of about one, eight and ten, and two grown-up daughters of about twenty to twenty-nine. An old woman with snow-white hair was holding the one-year-old child in her arms and singing to it and tickling it. The child was cooing with delight. The couple were looking on with tears in their eyes. The father was holding the hand of a boy about

* From the *Nuremberg Proceedings*, as quoted in Louis L. Snyder and Richard B. Morris, *They Saw It Happen* (Harrisburg, 1951), pp. 406-408.

ten years old and speaking to him softly; the boy was fighting his tears. The father pointed to the sky, stroked his head, and seemed to explain something to him.

At that moment the S.S. man at the pit shouted something to his comrade. The latter counted off about twenty persons and instructed them to go behind the earth mound. Among them was the family which I have mentioned. I well remember a girl, slim and with black hair, who, as she passed close to me, pointed to herself and said "23." I walked around the mound and found myself confronted by a tremendous grave. People were closely wedged together and lying on top of each other so that only their heads were visible. Nearly all had blood running over their shoulders from their heads. Some of the people shot were still moving. Some were lifting their arms and turning their heads to show that they were still alive. The pit was already two-thirds full. I estimated that it already contained about 1,000 people.

I looked for the man who did the shooting. He was an S.S. man, who sat at the edge of the narrow end of the pit, his feet dangling into the pit. He had a tommy-gun on his knees and was smoking a cigarette. The people, completely naked, went down some steps which were cut in the clay wall of the pit and clambered over the heads of the people lying there, to the place to which the S.S. man directed them. They lay down in front of the dead or injured people; some caressed those who were still alive and spoke to them in a low voice.

Then I heard a series of shots. I looked into the pit and saw that the bodies were twitching or the heads lying motionless on top of the bodies which lay before them. Blood was running from their necks. I was surprised that I was not ordered away, but I saw that there were two or three postmen in uniform nearby. The next batch was approaching already. They went down into the pit, lined themselves up against the previous victims and were shot.

When I walked back round the mound, I noticed another truckload of people which had just arrived. This time it included sick and infirm persons. An old, very thin woman with terribly thin legs was undressed by others who were already naked, while two people held her up. The woman appeared to be paralyzed. The naked people carried the woman around the mound. I left with my foreman and drove in my car back to Dubno.

On the morning of the next day, when I again visited the site, I saw about thirty naked people lying near the pit—about 30 to 50 metres away from it. Some of them were still alive; they looked straight in front of them with a fixed stare and seemed to notice neither the

chilliness of the morning nor the workers of my firm who stood around. A girl of about twenty spoke to me and asked me to give her clothes and help her escape. At that moment we heard a fast car approach and I noticed that it was an S.S. detail. I moved away to my site. Ten minutes later we heard shots from the vicinity of the pit. The Jews alive had been ordered to throw the corpses into the pit, then they had themselves to lie down in it to be shot in the neck.

154 The Battle of Propaganda, 1944

According to Adolf Hitler, effective propaganda must use simple slogans so that every last man could understand their meaning.

Nazi propaganda followed this line. But, although it was enormously effective during the Nazi drive for power, it was not successful during World War II. Again, as in World War I, the British clearly defeated the Germans in the war of the word.

The first leaflet quoted below was illustrated with a picture of a wild party of draft-dodgers embracing scantily clad women and a second picture showing an American G.I. on the battlefield with his bleeding intestines torn out. The second leaflet was illustrated with a figure of Death grasping a G.I. This naive technique, while effective inside Germany, was laughed off by the American troops.

Allied propaganda, on the other hand, utilized official-looking *Passierscheine* (safe conduct passes), inscribed:

The German soldier who carries this safe conduct is using it as a sign of his genuine wish to give himself up. He is to be disarmed, to be well looked after, to receive food and medical attention as required, and to be removed from the danger zone as soon as possible.

[Signed] DWIGHT D. EISENHOWER
Supreme Commander
Allied Expeditionary Force

Propaganda Leaflets, 1944 *

I

THE DRAFT DODGERS ON THE HOME FRONT EXPECT EVERY JOE TO DO HIS DUTY.

G.I.'S, HAVE YOU EVER FIGURED IT OUT?

70 American men out of a hundred are enjoying peace in civil life;

22 are training and stationed back home;

8 are doing their bit overseas;

FOUR MEN OUT OF A HUNDRED ARE ENGAGED IN ACTUAL FIGHTING.

Some 60 divisions have reached the fronts, combat troops as well as service units, totaling more than 2,155,000 officers and men, who accompanied these divisions abroad.

Adding the million men of the Air Forces, there is a TOTAL OF 3,055,000 G.I.'s on the world's battle fronts. (*Stars and Stripes*, September 20, page 4.)

And only about half of these are doing the grim, nasty job of actual fighting.

Almost every day you front-line men read of people at home leaving war jobs for something more secure which will carry them through [sic] the postwar period.

For you the advice of these people is: KEEP SOLDIERS IN THE ARMY AFTER THE WAR UNTIL JOBS CAN BE SECURED FOR THEM

THE DRAFT DODGERS AT HOME EXPECT EVERY JOE TO DO HIS DUTY!

II

YOUR FIRST WINTER IN EUROPE.

EASY GOING HAS STOPPED!

Perhaps you've already noticed it—the nearer the German border, the heavier your losses.

Naturally. They're defending their own homes.

Winter is just around the corner—hence diminishing A.F. activity.

More burden on the shoulders of the infantry, therefore heavier casualties.

WHO IS CASHING IN THE HUGE WAR PROFITS AT HOME, WHILE AMERICANS SHED THEIR BLOOD OVER HERE?

* Picked up by one of my students on a battlefield in France in late Autumn, 1944.

155 The Yalta Declaration, 1945

By early 1945 it was obvious that the Germans could not hold out much longer. On February 12, 1945, President Franklin D. Roosevelt, Prime Minister Winston Churchill, and Generalissimo Joseph Stalin issued a communiqué concerning the results of a meeting held at Yalta in the Crimea from February 4th to 11th. The purpose was to inform the world of the final steps to be taken before the end of the war and immediately after. The communiqué began as follows: "We have considered and determined the military plans for the final defeat of the common enemy. . . . Nazi Germany is doomed. The German people will only make the cost of their defeat heavier to themselves by attempting to continue a hopeless resistance."

The communiqué then went on to announce the formation of a reparations commission, the calling of another conference at San Francisco, and the recording of declarations of policy with regard to countries to be liberated. There was no announcement of the boundaries for the proposed zones of occupation and no reference to the partition of Germany. It was indicated, however, that German territory in the East would be cut by fixing the Russo-Polish frontier approximately along the Curzon Line, with compensations to Poland in the North and West.

**Occupation and Control of Germany: Extract from the
Yalta Declaration, February 12, 1945 ***

. . . We have agreed on common policies and plans for enforcing the unconditional surrender terms which we shall impose together on Nazi Germany after German armed resistance has been finally crushed. These terms will not be made known until the defeat of Germany has been accomplished.

Under the agreed plan the forces of the three powers will each

* *The New York Times*, February 13, 1945.

occupy a separate zone of Germany. Coordinated administration and control have been provided for under the plan through a control commission consisting of the Supreme Commanders of the three powers, with headquarters in Berlin.

It has been agreed that France shall be invited by the three powers, if she should so desire, to take over a zone of occupation and to participate as a fourth member of the control commission. The limits of the French zone will be agreed upon by the four Governments concerned through their representatives on the European Advisory Council.

It is our inflexible purpose to destroy German militarism and Nazism and to insure that Germany will never again be able to disturb the peace of the world. We are determined to disarm and disband all German armed forces; break up for all time the German General Staff that has repeatedly contrived the resurgence of German militarism; remove or destroy all German military equipment; eliminate or control all German industry that could be used for military production, bring all war criminals to just and swift punishment and exact reparations in kind for the destruction wrought by the Germans; wipe out the Nazi party, Nazi laws, organizations and institutions; remove all Nazi and militarist influences from public office and from the cultural and economic life of the German people; and take in harmony such other measures in Germany as may be necessary to the future peace and safety of the world.

It is not our purpose to destroy the people of Germany, but only when Nazism and militarism have been extirpated will there be hope for a decent life for the Germans and a place for them in the community of nations. . . .

156 JCS/1067: The United States Military Government of Germany, April, 1945

The directive known as JCS/1067, at first classified as "Top Secret," was sent to General Dwight D. Eisenhower by the United States Joint Chiefs of Staff in April, 1945. It was intended to serve two purposes: (1) to guide General Eisenhower in the military government of that portion of Germany occupied by

United States forces, and (2) to be used by General Eisenhower in an effort to urge the control Council to adopt these policies for enforcement throughout Germany.

Many of the policies contained in JCS/1067 were adopted in substance at the Potsdam Conference held July 17-August 2, 1945. Where there were differences, the policies of the Potsdam Declaration were considered to be binding.

JCS/1067 was released to the press on October 17, 1945. Critics claimed that both JCS/1067 and the Potsdam Declaration were frequently disregarded in practice by the United States Military Government in Germany. The result, it was said, was that the Occupation policies were not as severe as originally intended.

Excerpts from the Directive to Commander-in-Chief of United States Forces of Occupation Regarding the Military Government of Germany, April, 1945 *

1. *The Purpose and Scope of this Directive:*

This directive is issued to you as Commanding General of the United States forces of occupation in Germany. As such, you will serve as United States member of the Control Council and will also be responsible for the administration of military government in the zone or zones assigned to the United States for purposes of occupation and administration. It outlines the basic policies which will guide you in those two capacities after the termination of the combined command of the Supreme Commander, Allied Expeditionary Force.

This directive sets forth policies relating to Germany in the initial post-defeat period. As such it is not intended to be an ultimate statement of policies of this Government concerning the treatment of Germany in the post-war world. It is therefore essential that, during the period covered by this directive, you assure that surveys are constantly maintained of economic, industrial, financial, social and political conditions within your zone and that the results of such surveys and such other surveys as may be made in other zones are made available to your Government, through the Joint Chiefs of Staff. These surveys should be developed in such manner as to serve as a basis for determining changes in the measures of control set forth herein as

* *The Axis in Defeat; A Collection of Documents on American Policy Toward Germany and Japan*, U.S. Department of State Publication No. 2423 (U.S. Government Printing Office; Washington, 1945), pp. 40-59, *passim*.

well as for the progressive formulation and development of policies to promote the basic objectives of the United States. Supplemental directives will be issued to you by the Joint Chiefs of Staff as may be required.

As a member of the Control Council you will urge the adoption by the other occupying powers of the principles and policies set forth in this directive and, pending Control Council agreement, you will follow them in your zone. It is anticipated that substantially similar directives will be issued to the Commanders in Chief of the U. K., U. S. S. R. and French forces of occupation.

PART I. GENERAL AND POLITICAL

2. *The Basis of Military Government:*

a. The rights, power and status of the military government in Germany are based upon the unconditional surrender or total defeat of Germany.

b. Subject to the provisions of paragraph 3 below, you are, by virtue of your position, clothed with supreme legislative, executive, and judicial authority in the areas occupied by forces under your command. This authority will be broadly construed and includes authority to take all measures deemed by you necessary, appropriate or desirable in relation to military exigencies and the objectives of a firm military government.

c. You will issue a proclamation continuing in force such proclamations, orders and instructions as may have heretofore been issued by Allied Commanders in your zone, subject to such changes as you may determine. Authorizations of action by the Supreme Commander, Allied Expeditionary Force, may be considered as applicable to you unless inconsistent with this or later directives.

3. *The Control Council and Zones of Occupation:*

a. The four Commanders-in-Chief, acting jointly, will constitute the Control Council in Germany which will be the supreme organ of control over Germany in accordance with the agreement on Control Machinery in Germany. For purposes of administration of military government, Germany has been divided into four zones of occupation.

b. The authority of the Control Council to formulate policies and procedures and administrative relationships with respect to matters affecting Germany as a whole will be paramount throughout Germany. You will carry out and support in your zone the policies agreed upon in the Control Council. In the absence of such agreed policies

you will act in accordance with this and other directives of the Joint Chiefs of Staff. . . .

4. Basic Objectives of Military Government in Germany:

a. It should be brought home to the Germans that Germany's ruthless warfare and fanatical Nazi resistance have destroyed the German economy and made chaos and suffering inevitable and that the Germans cannot escape responsibility for what they have brought upon themselves.

b. Germany will not be occupied for the purpose of liberation but as a defeated enemy nation. Your aim is not oppression but to occupy Germany for the purpose of realizing certain important Allied objectives. In the conduct of your occupation and administration you should be just but firm and aloof. You will strongly discourage fraternization with the German officials and population.

c. The principal Allied objective is to prevent Germany from ever again becoming a threat to the peace of the world. Essential steps in the accomplishment of this objective are the elimination of Nazism and militarism in all their forms, the immediate apprehension of war criminals for punishment, the industrial disarmament and demilitarization of Germany, with continuing control over Germany's capacity to make war, and the preparation for an eventual reconstruction of German political life on a democratic basis.

d. Other Allied objectives are to enforce the program of reparations and restitution, to provide relief for the benefit of countries devastated by Nazi aggression, and to ensure that prisoners of war and displaced persons of the United Nations are cared for and repatriated.

5. Economic Controls:

a. As a member of the Control Council and as zone commander, you will be guided by the principle that controls upon the German economy may be imposed to the extent that such controls may be necessary to achieve the objectives enumerated in paragraph 4 above and also as they may be essential to protect the safety and meet the needs of the occupying forces and assure the production and maintenance of goods and services required to prevent starvation or such disease and unrest as would endanger these forces. No action will be taken in execution of the reparations program or otherwise which would tend to support basic living conditions in Germany or in your zone on a higher level than that existing in any one of the neighboring United Nations.

b. In the imposition and maintenance of such controls as may be prescribed by you or the Control Council, German authorities will to

the fullest extent practicable be ordered to proclaim and assume administration of such controls. Thus it should be brought home to the German people that the responsibility for the administration of such controls and for any break-downs in those controls will rest with themselves and German authorities.

6. *Denazification:*

a. A Proclamation dissolving the Nazi Party, its formations, affiliated associations and supervised organizations, and all Nazi public institutions which were set up as instruments of Party domination, and prohibiting their revival in any form, should be promulgated by the Control Council. You will assure the prompt effectuation of that policy in your zone and will make every effort to prevent the reconstitution of any such organization in underground, disguised or secret form. Responsibility for continuing desirable non-political social services of dissolved Party organizations may be transferred by the Control Councils to appropriate central agencies and by you to appropriate local agencies.

b. The laws purporting to establish the political structure of National Socialism and the basis of the Hitler regime and all laws, decrees and regulations which establish discriminations on grounds of race, nationality, creed or political opinions should be abrogated by the Control Council. You will render them inoperative in your zone.

c. All members of the Nazi Party who have been more than nominal participants in its activities, all active supporters of Nazism or militarism and all other persons hostile to Allied purposes will be removed and excluded from public office and from positions of importance in quasi-public and private enterprises such as (1) civic, economic and labor organizations, (2) corporations and other organizations in which the German government or subdivisions have a major financial interest, (3) industry, commerce, agriculture, and finance, (4) education, and (5) the press, publishing houses and other agencies disseminating news and propaganda. Persons are to be treated as more than nominal participants in Party activities and as active supporters of Nazism or militarism when they have (1) held office or otherwise been active at any level from local to national in the Party and its subordinate organizations, or in organizations which further militaristic doctrines, (2) authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations, (3) been avowed believers in Nazism or racial and militaristic creeds, or (4) voluntarily given substantial moral or material support or political assistance of any kind to the Nazi Party or Nazi officials and leaders.

No such persons shall be retained in any of the categories of employment listed above because of administrative necessity, convenience or expediency.

d. Property, real and personal, owned or controlled by the Nazi Party, its formations, affiliated associations and supervised organizations, and by all persons subject to arrest under the provisions of paragraph 8, and found within your zone, will be taken under your control pending a decision by the Control Council or higher authority as to its eventual disposition.

e. All archives, monuments and museums of Nazi inception, or which are devoted to the perpetuation of German militarism, will be taken under your control and their properties held pending decision as to their disposition by the Control Council.

f. You will make special efforts to preserve from destruction and take under your control records, plans, books, documents, papers, films, and scientific, industrial and other information and data belonging to or controlled by the following:

(1) The Central German Government and its subdivisions, German military organizations, organizations engaged in military research, and such other governmental agencies as may be deemed advisable;

(2) The Nazi Party, its formations, affiliated associations and supervised organizations;

(3) All police organizations, including security and political police;

(4) Important economic organizations and industrial establishments including those controlled by the Nazi Party or its personnel;

(5) Institutes and special bureaus devoting themselves to racial, political, militaristic or similar research or propaganda. . . .

PART II. ECONOMIC

General Objectives and Methods of Control

16. You will assure that the German economy is administered and controlled in such a way as to accomplish the basic objectives set forth in paragraphs 4 and 5 of this directive. Economic controls will be imposed only to the extent necessary to accomplish these objectives, provided that you will impose controls to the full extent necessary to achieve the industrial disarmament of Germany. Except as may be necessary to carry out these objectives, you will take no steps (a) looking toward the economic rehabilitation of Germany, or (b) designed to maintain or strengthen the German economy.

17. To the maximum extent possible without jeopardizing the

successful execution of measures required to implement the objectives outlined in paragraphs 4 and 5 of this directive you will use German authorities and agencies and subject them to such supervision and punishment for noncompliance as is necessary to ensure that they carry out their tasks. . . .

Labor, Health, and Social Insurance:

23. You will permit the self-organization of employees along democratic lines, subject to such safeguards as may be necessary to prevent the perpetuation of Nazi or militarist influence under any guise or the continuation of any group hostile to the objectives and operations of the occupying forces.

24. You will permit free collective bargaining between employees and employers regarding wage, hour and working conditions and the establishment of machinery for the settlement of industrial disputes. Collective bargaining shall be subject to such wage, hour and other controls, if any, as may be instituted or revived by your direction. . . .

Agriculture, Industry and Internal Commerce:

27. You will require the Germans to use all means at their disposal to maximize agricultural output and to establish as rapidly as possible effective machinery for the collection and distribution of agricultural output.

28. You will direct the German authorities to utilize large-landed estates and public lands in a manner which will facilitate the accommodation and settlement of Germans and others or increase agricultural output.

29. You will protect from destruction by the Germans, and maintain for such disposition as is determined by this and other directives or by the Control Council, all plants, equipment, patents and other property, and all books and records of large German industrial companies and trade and research associations that have been essential to the German war effort or the German economy. You will pay particular attention to research and experimental establishments of such concerns. . . .

PART III. FINANCIAL

44. You will make full application in the financial field of the principles stated elsewhere in this directive and you will endeavor to have the Control Council adopt uniform financial policies necessary to carry out the purposes stated in paragraphs 4 and 5 of this directive. You will take no steps designed to maintain, strengthen or operate the

Reichsbank or any other bank or to any public or private institution. If, in your opinion, such action becomes essential, you may take such emergency actions as you may deem proper, but in any event, you will report the facts to the Control Council.

52. You will maintain such accounts and records as may be necessary to reflect the financial operations of the military government in your zone and you will provide the Control Council with such information as it may require, including information in connection with the use of currency by your forces, any governmental settlements, occupation costs, and other expenditures arising out of operations or activities involving participation of your forces.

157 **Adolf Hitler's Will and Political Testament, 1945**

Early on the morning of April 29, 1945, with the streets of Berlin a sea of flames, Adolf Hitler married Eva Braun in his underground bunker at the Chancellery. While his court of toadies, doctors, and astrologers celebrated the wedding, Hitler sent for his secretary, Frau Junge, and dictated two documents: his personal will and his political testament.

At 3:30 P.M. on April 30th, Hitler and his wife committed suicide. After a ritual burning, the bodies were buried in the Chancellery garden.

In his private will, the Führer explained his marriage, disposed of his property, and announced his impending death. In his political testament, the first or general part maintained that he did not want to go to war in 1939 and placed the blame upon "International Jewry"; in the second part, he expelled traitors, appointed his own successors, and dictated the government they should accept. The third document is Dr. Joseph Goebbels' own personal apologia in the form of an appendix to the Führer's political testament.

H. R. Trevor-Roper, the British historian, points out that at the time of their discovery and first publication, the authenticity

of Hitler's testaments was challenged by a writer to the *Daily Telegraph*, and others, who referred to the un-German characteristics in the typescript. Trevor-Roper adds: "In fact, the authenticity of the documents has been established beyond the possibility of a doubt by a mass of internal and circumstantial evidence, expert scrutiny of the signatures, and the testimony of those who knew them, including one of the signatories of the Personal Testament (von Below), and the secretary who typed both documents (Frau Junge)." *

Trevor-Roper, undoubtedly the most authoritative expert on the last days of Hitler, delivered this verdict on the testament: "In this last advertisement of the Nazi movement, designed as a valedictory to the world and a message to later generations, there is nothing but the old hollow claptrap, the negative appeal, the purposeless militarism, of the Revolution of Destruction; the protestations of innocence, and the recrimination of failure." †

I Hitler's Private Will and Testament, April 29, 1945 ‡

As I did not consider that I could take responsibility, during the years of struggle, of contracting a marriage, I have now decided, before the closing of my earthly career, to take as my wife that girl who, after many years of faithful friendship, entered, of her own free will, the practically besieged town in order to share her destiny with me. At her own desire she goes as my wife with me into death. It will compensate us for what we both lost through my work in the service of my people.

What I possess belongs—in so far as it has any value—to the Party. Should this no longer exist, to the State; should the State also be destroyed, no further decision of mine is necessary.

My pictures, in the collections which I have bought in the course of years, have never been collected for private purposes, but only for the extension of a gallery in my home town of Linz on Donau.

It is my most sincere wish that this bequest may be duly executed.

I nominate as my Executor my most faithful Party comrade,

Martin Bormann.

* H. R. Trevor-Roper, *The Last Days of Hitler* (New York, Macmillan, 1947), p. 182. Quoted by permission of The Macmillan Company.

† *Ibid.*, p. 176.

‡ U S Office of United States Chief of Counsel for Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression* (Washington, 1946-1948), VI, 259-263.

He is given full legal authority to make all decisions. He is permitted to take out everything that has a sentimental value or is necessary for the maintenance of a modest simple life, for my brothers and sisters, also above all for the mother of my wife and my faithful co-workers who are well known to him, principally my old Secretaries Frau Winter etc who have for many years aided me by their work.

I myself and my wife—in order to escape the disgrace of deposition or capitulation—choose death. It is our wish to be burnt immediately on the spot where I have carried out the greatest part of my daily work in the course of a twelve years' service to my people.

Given in Berlin, 29th April 1945, 4.00 A.M

[Signed] A. HITLER

[Witnesses]

DR. JOSEPH GOEBBELS

MARTIN BORMANN

COLONEL NICHOLAS VON BELOW

II Hitler's Political Testament, April 29, 1945 *

First Part of the Political Testament

More than thirty years have now passed since I in 1914 made my modest contribution as a volunteer in the first world war that was forced upon the Reich.

In these three decades I have been actuated solely by love and loyalty to my people in all my thoughts, acts, and life. They gave me the strength to make the most difficult decisions which have ever confronted mortal man. I have spent my time, my working strength, and my health in these three decades.

It is untrue that I or anyone else in Germany wanted the war in 1939. It was desired and instigated exclusively by those international statesmen who were either of Jewish descent or worked for Jewish interests. I have made too many offers for the control and limitation of armaments, which posterity will not for all time be able to disregard for the responsibility for the outbreak of this war to be laid on me. I have further never wished that after the first fatal world war a second against England, or even against America, should break out. Centuries will pass away, but out of the ruins of our towns and monuments the hatred against those finally responsible whom we have to

* *Ibid*

thank for everything, International Jewry and its helpers, will grow.

Three days before the outbreak of the German-Polish war I again proposed to the British ambassador in Berlin a solution to the German-Polish problem—similar to that in the case of the Saar district, under international control. This offer also cannot be denied. It was only rejected because the leading circles in English politics wanted the war, partly on account of the business hoped for and partly under influence of propaganda organized by International Jewry.

I have also made it quite plain that, if the nations of Europe are again to be regarded as mere shares to be bought and sold by these international conspirators in money and finance, then that race, Jewry, which is the real criminal of this murderous struggle, will be saddled with the responsibility. I further left no one in doubt that this time not only would millions of children of Europe's Aryan people die of hunger, not only would millions of grown men suffer death, and not only hundreds of thousands of women and children be burnt and bombed to death in the towns, without the real criminal having to atone for this guilt, even if by more humane means.

After six years of war, which in spite of all setbacks, will go down one day in history as the most glorious and valiant demonstration of a nation's life purpose, I cannot forsake the city which is the capital of this Reich. As the forces are too small to make any further stand against the enemy attack at this place and our resistance is gradually being weakened by men who are as deluded as they are lacking in initiative, I should like, by remaining in this town, to share my fate with those, the millions of others, who have also taken upon themselves to do so. Moreover I do not wish to fall into the hands of an enemy who requires a new spectacle organized by the Jews for the amusement of their hysterical masses.

I have decided therefore to remain in Berlin and there of my own free will to choose death at the moment when I believe the position of the Führer and Chancellor itself can no longer be held.

I die with a happy heart, aware of the immeasurable deeds and achievements of our soldiers at the front, our women at home, the achievements of our farmers and workers and the work, unique in history, of our youth who bear my name.

That from the bottom of my heart I express my thanks to you all, is just as self-evident as my wish that you should, because of that, on no account give up the struggle, but rather continue it against the enemies of the Fatherland, no matter where, true to the creed of a great Clausewitz. From the sacrifice of our soldiers and from my own unity with them unto death, will in any case spring up in the history

of Germany, the seed of a radiant renaissance of the National Socialist movement and thus of the realization of a true community of nations.

Many of the most courageous men and women have decided to unite their lives with mine until the very last. I have begged and finally ordered them not to do this, but to take part in the further battle of the Nation. I beg the heads of the Armies, the Navy and the Air Force to strengthen by all possible means the spirit of resistance of our soldiers in the National Socialist sense, with special reference to the fact that also I myself, as founder and creator of this movement, have preferred death to cowardly abdication or even capitulation.

May it, at some future time, become part of the code of honor of the German officer—as is already the case in our Navy—that the surrender of a district or of a town is impossible, and that above all the leaders here must march ahead as shining examples, faithfully fulfilling their duty unto death.

Second Part of the Political Testament

Before my death I expel the former Reichsmarschall Hermann Göring from the party and deprive him of all rights which he may enjoy by virtue of the decree of June 29th, 1941; and also by virtue of my statement in the Reichstag on September 1st, 1939, I appoint in his place Grossadmiral Dönitz, President of the Reich and Supreme Commander of the Armed Forces.

Before my death I expel the former Reichsführer-SS and Minister of the Interior Heinrich Himmler, from the party and from all offices of State. In his stead I appoint Gauleiter Karl Hanke as Reichsführer-SS and Chief of the German Police, and Gauleiter Paul Giesler as Reich Minister of the Interior.

Göring and Himmler, quite apart from their disloyalty to my person, have done immeasurable harm to the country and the whole nation by secret negotiations with the enemy, which they have conducted without my knowledge and against my wishes, and by illegally attempting to seize power in the State for themselves. . . .

Although a number of men, such as Martin Bormann, Dr. Goebbels, etc., together with their wives, have joined me of their own free will and did not wish to leave the capital of the Reich under any circumstances, but were willing to perish with me here, I must nevertheless ask them to obey my request, and in this case set the interests of the nation above their own feelings. By their work and loyalty as comrades they will be just as close to me after death, as I hope that my spirit will linger among them and always go with them. Let them

be hard but never unjust, but above all let them never allow fear to influence their actions, and set the honor of the nation above everything in the world. Finally, let them be conscious of the fact that our task, that of continuing the building of a National Socialist State, represents the work of the coming centuries, which places every single person under an obligation always to serve the common interest and to subordinate his own advantage to this end. I demand of all Germans, all National Socialists, men, women and all the men of the Armed Forces, that they be faithful and obedient unto death to the new government and its President.

Above all I charge the leaders of the nation and those under them to scrupulous observance of the laws of race and to merciless opposition to the universal poisoner of all peoples, International Jewry.

Given in Berlin, this 29th day of April 1945. 4.00 A.M.

ADOLF HITLER

[Witnesses]

DR. JOSEPH GOEBBELS	WILHELM BURGDORF
MARTIN BORMANN	HANS KREBS

III Appendix to the Führer's Personal Testament,
by Dr. Joseph Goebbels *

The Führer has ordered me, should the defense of the Reich capital collapse, to leave Berlin, and to take part as a leading member of a government appointed by him.

For the first time in my life I must categorically refuse to obey an order of the Führer. My wife and children join me in this refusal. Otherwise—quite apart from the fact that feelings of humanity and loyalty forbid us to abandon the Führer in his hour of greatest need—I should appear for the rest of my life as a dishonorable traitor and common scoundrel, and should lose my self-respect together with the respect of my fellow citizens; a respect I should need in any future attempt to shape the future of the German Nation and State. . . .

For this reason, together with my wife, and on behalf of my children, who are too young to speak for themselves, but who would unreservedly agree with this decision if they were old enough, I ex-

* Quoted in H. R. Trevor-Roper, *The Last Days of Hitler* (New York, Macmillan, 1947), p. 186.

press an unalterable resolution not to leave the Reich capital, even if it falls, but rather, at the side of the Führer, to end a life which will have no further value to me if I cannot spend it in the service of the Führer, and by his side.

158 The Dönitz Government, 1945

In his political testament, Hitler appointed Grand Admiral Karl Dönitz, President of the Reich and Supreme Commander of the Armed Forces. On May 1, 1945, Admiral Dönitz broadcast his assumption of authority to the German people and armed forces, and, in an order of the day, called on them for further struggle against the Bolsheviks. The next day, May 2d, he moved his headquarters from Plön to Flensburg, near the Danish border, and sent an envoy to General Bernard L. Montgomery with a proposal to capitulate in the West but to continue fighting in the East. Montgomery rejected the offer and demanded unconditional surrender. The surrender of the German forces in Holland, northwest Germany, and Denmark took place at Montgomery's headquarters on Lüneburg Heath on May 4th. It was followed three days later by the general instrument of surrender signed by General Gustav Jodl at Eisenhower's headquarters at Reims.

I Hamburg Radio Broadcast, May 1, 1945 *

It is reported from the Führer's headquarters that our Führer, Adolf Hitler, fighting to the last breath against Bolshevism, fell for Germany this afternoon in his operational headquarters in the Reich Chancellery.

On April 30th the Führer appointed Grand Admiral Dönitz his successor. The Grand Admiral and successor of the Führer now speaks to the German people.

* *The New York Times*, May 2, 1945.

Dönitz: German men and women, soldiers of the armed forces:

Our Führer, Adolf Hitler, has fallen. In the deepest sorrow and respect the German people now. . . . The Führer has appointed me to be his successor. Fully conscious of the responsibility, I take over the leadership of the German people at this fateful hour. . . .

II Admiral Dönitz's "Order of the Day," May 1, 1945 *

German armed forces, my comrades:

The Führer has fallen. Faithful to his great ideal to save the nations of Europe from Bolshevism, he has given his life and has met a hero's death. In him one of the greatest heroes of German history has appeared. With proud respect and grief we lower our standards.

The Führer has designated me to be at the head of the State and Supreme Commander. . . . I am resolved to continue the struggle against the Bolsheviks. . . . Against the British and Americans I am bound to continue to fight as far and as long as they impede me in the struggle against Bolshevism. . . . For every single one of you the oath of loyalty to the Führer is transferred straight to my person as the Führer's appointed successor.

German soldiers! Do your duty! The existence of our people is at stake.

159 The Act of Military Surrender, May 7, 1945

On May 7, 1945, General Gustav Jodl, the German Chief of Staff, representing the German High Command, and Admiral Karl Dönitz, met with Allied officials at General Eisenhower's headquarters at Reims, in France, and signed the formal Act of Military Surrender at 2:41 A.M., to take effect at 11:01 P.M., May 8th. This act was ratified by General Wilhelm Keitel at Marshal Grigor Zhukov's headquarters in Berlin on May 9th.

* *Ibid.*

Text of the Act of Military Surrender, May 7, 1945 *

1. We, the undersigned, acting by authority of the German High Command, hereby surrender unconditionally to the Supreme Commander, Allied Expeditionary Force, and simultaneously to the Soviet High Command, all forces on land, sea, and in the air who are at this date under German control.

2. The German High Command will at once issue orders to all German military, naval and air authorities and to all forces under German control to cease active operations at 2301 hours [11:01 P.M.] Central European Time on 8 May and to remain in the positions occupied at the time. No ship, vessel, or aircraft is to be scuttled, or any damage done to their hull, machinery or equipment.

3. The German High Command will at once issue to the appropriate commanders, and ensure the carrying out of any further orders issued by the Supreme Commander, Allied Expeditionary Force, and by the Soviet High Command.

4. This Act of Military Surrender is without prejudice to, and will be superseded by, any general instrument of surrender imposed by, or on behalf of the United Nations and applicable to Germany and the German Armed Forces as a whole.

5. In the event of the German High Command or any of the forces under their control failing to act in accordance with this Act of Surrender, the Supreme Commander, Allied Expeditionary Force, and the Soviet High Command will take such punitive or other action as they deem appropriate.

Signed at Reims, France, at 0241 [2:41 A.M.] on the 7th day of May, 1945.

On behalf of the German High Command

JODL

In the presence of:

On behalf of the Supreme Commander,
Allied Expeditionary Force

W. B. SMITH

On behalf of the Soviet High Command

[IVAN] SOUSLOPAROFF

F. SEVEZ, Major General, French Army
(Witness)

* U.S. Department of State, *Bulletin*, XIII, No. 317 (July 22, 1945), p. 106.

160 The Potsdam Declaration, 1945

Between July 17th and August 2d, 1945, the Potsdam Conference, officially called the Berlin Conference, met in the Cecilienhof in Potsdam, former home of the German emperors, for the purpose of blueprinting the future of Germany. The United States was represented by President Harry S. Truman and Secretary of State James F. Byrnes; the Soviet Union by Joseph Stalin and Foreign Minister Vyacheslav Mikhailovich Molotov; and Great Britain by Prime Minister Winston Churchill and Foreign Secretary Anthony Eden. The parley was interrupted briefly on July 26th to permit Churchill's return to England for the final returns of the general election of July 5th. Since the Socialists won 2 to 1 in an amazing landslide, they sent the new Prime Minister, Clement R. Attlee, who had served in the war Cabinet, to Potsdam to replace Churchill.

The Potsdam Conference reached its climax on August 2d with the issuance of a six-thousand word communiqué that dealt with the denazification, demilitarization, and decentralization of Germany. The previous agreement at Yalta was put into force at once. Germany was divided into four administrative zones—the Americans in the south, the French in the southeast, the British in the northwest, and the Russians in the east and center, but it was expressly stipulated that, during the occupation, Germany would be treated as a single unit. This was a historically unique attempt by four powers of varying political philosophies to rule in their own manner a strongly integrated nation.

The following extracts from the Potsdam Declaration indicate the political and economic principles agreed upon to govern the treatment of Germany in the initial control period and to prepare for her reconstruction on a democratic basis.

Extracts from the Potsdam Declaration, August 2, 1945 *

III. Germany

The Allied armies are in occupation of the whole of Germany, and the German people have begun to atone for the terrible crimes committed under the leadership of those whom, in the hour of their success, they openly approved and blindly obeyed.

Agreement has been reached at this conference on the political and economic principles of a coordinated Allied policy toward defeated Germany during the period of Allied control.

The purpose of this agreement is to carry out the Crimea Declaration on Germany. German militarism and Nazism will be extirpated, and the Allies will take in agreement together, now and in the future, the other measures necessary to assure that Germany never again will threaten her neighbors or the peace of the world.

It is not the intention of the Allies to destroy or enslave the German people. It is the intention of the Allies that the German people be given the opportunity to prepare for the eventual reconstruction of their life on a democratic and peaceful basis. If their own efforts are steadily directed to this end, it will be possible for them in due course to take their place among the free and peaceful peoples of the world.

The text of the agreement is as follows:

The Political and Economic Principles To Govern the Treatment of Germany in the Initial Control Period

A. Political Principles.

1. In accordance with the agreement on control machinery in Germany, supreme authority in Germany is exercised, on instructions from their respective governments, by the Commanders-in-Chief of the armed forces of the United States of America, the United Kingdom, the Union of Soviet Socialist Republics, and the French Republic, each in his own zone of occupation, and also jointly in matters affecting Germany as a whole, in their capacity as members of the Control Council.

2. So far as is practicable, there shall be uniformity of treatment of the German population throughout Germany.

* *The Potsdam Agreement, Joint Report on Results of the Anglo-Soviet-American Conference* (Berlin, 1945), released August 2, 1945 From *The New York Times*, August 3, 1945.

3. The purposes of the occupation of Germany by which the Control Council shall be guided are:

(i) The complete disarmament and demilitarization of Germany and the elimination or control of all German industry that could be used for military production. To these ends:

(a) All German land, naval and air forces, the S.S., S.A., S.D., and Gestapo, their organizations, staffs and institutions, including the General Staff, the Officers' Corps, Reserve Corps, military schools, war veterans' organizations and all other military and quasi-military organizations, together with all clubs and associations which serve to keep alive the military tradition in Germany, shall be completely and finally abolished in such manner as permanently to prevent the revival or reorganization of German militarism and Nazism.

(b) All arms, ammunition and implements of war and all specialized facilities for their production shall be held at the disposal of the Allies or destroyed. The maintenance and production of all aircraft and all arms, ammunition and implements of war shall be prevented.

(ii) To convince the German people that they have suffered a total military defeat and that they cannot escape responsibility for what they have brought upon themselves, since their own ruthless warfare and the fanatical Nazi resistance have destroyed German economy and made chaos and suffering inevitable.

(iii) To destroy the National Socialist Party and its affiliated and supervised organizations, to dissolve all Nazi institutions, to ensure that they are not revived in any form, and to prevent all Nazi and militarist activity or propaganda.

(iv) To prepare for the eventual reconstruction of German political life on a democratic basis and for eventual peaceful cooperation in international life by Germany.

4. All Nazi laws which provided the basis of the Hitler regime or established discrimination on grounds of race, creed or political opinion shall be abolished. No such discriminations, whether legal, administrative or otherwise shall be tolerated.

5. War criminals and those who have participated in planning or carrying out Nazi enterprises involving or resulting in atrocities or war crimes shall be arrested and brought to judgment. Nazi leaders, influential Nazi supporters and high officials of Nazi organizations and institutions and any other persons dangerous to the occupation or its objectives shall be arrested and interned.

6. All members of the Nazi Party who have been more than nominal participants in its activities and all other persons hostile to

Allied purposes shall be removed from public and semi-public office, and from positions of responsibility in important private undertakings. Such persons shall be replaced by persons who, by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany.

7. German education shall be so controlled as completely to eliminate Nazi and militarist doctrines and to make possible the successful development of democratic ideas.

8. The judicial system will be reorganized in accordance with the principles of democracy, of justice under law and of equal rights for all citizens without distinction of race, nationality or religion.

9. The administration of affairs in Germany should be directed toward the decentralization of the political structure and the development of local responsibility. To this end:

(i) Local self-government shall be restored throughout Germany on democratic principles and in particular through elective councils as rapidly as is consistent with military security and the purposes of military occupation;

(ii) All democratic political parties with rights of assembly and of public discussion shall be allowed and encouraged throughout Germany;

(iii) Representative and elective principles shall be introduced into regional, provincial and state (land) administration as rapidly as may be justified by the successful application of these principles in local self-government;

(iv) For the time being no central German government shall be established. Notwithstanding this, however, certain essential central German administrative departments, headed by state secretaries, shall be established, particularly in the fields of finance, transport, communications, foreign trade and industry. Such departments will act under the direction of the Control Council.

10. Subject to the necessity for maintaining military security, freedom of speech, press and religion shall be permitted, and religious institutions shall be respected. Subject likewise to the maintenance of military security, the formation of free trade unions shall be permitted.

B Economic Principles.

11. In order to eliminate Germany's war potential, the production of arms, ammunition and implements of war as well as all types of aircraft and seagoing ships shall be prohibited and prevented. Production of metals, chemicals, machinery and other items that are directly necessary to a war economy shall be rigidly controlled and

restricted to Germany's approved war peacetime needs to meet the objectives stated in paragraph 15. Productive capacity not needed for permitted production shall be removed in accordance with the reparations plan recommended by the Allied Commission on reparations and approved by the governments concerned or if not removed shall be destroyed.

12. At the earliest practicable date, the German economy shall be decentralized for the purpose of eliminating the present excessive concentration of economic power as exemplified in particular by cartels, syndicates, trusts and other monopolistic arrangements.

13. In organizing the German economy, primary emphasis shall be given to the development of agriculture and peaceful domestic industries.

14. During the period of occupation Germany shall be treated as a single economic unit. To this end common policies shall be established in regard to:

- (a) Mining and industrial production and allocations;
- (b) Agriculture, forestry and fishing;
- (c) Wages, prices and rationing;
- (d) Import and export programs for Germany as a whole;
- (e) Currency and banking, central taxation and customs;
- (f) Reparation and removal of industrial war potential;
- (g) Transportation and communications.

In applying these policies account shall be taken, where appropriate, of varying local conditions.

15. Allied controls shall be imposed upon the German economy but only to the extent necessary:

(a) To carry out programs of industrial disarmament and demilitarization, of reparations, and of approved exports and imports.

(b) To assure the production and maintenance of goods and services required to meet the needs of the occupying forces and displaced persons in Germany and essential to maintain in Germany average living standards not exceeding the average of the standards of living of European countries. (European countries means all European countries excluding the United Kingdom and the Union of Soviet Socialist Republics.)

(c) To ensure the manner determined by the Control Council the equitable distribution of essential commodities between the several zones so as to produce a balanced economy throughout Germany and reduce the need for imports.

(d) To control German industry and all economic and financial international transactions, including exports and imports, with the

aim of preventing Germany from developing a war potential and of achieving the other objectives named herein.

(e) To control all German public or private scientific bodies, research and experimental institutions, laboratories, et cetera, connected with economic activities.

16. In the imposition and maintenance of economic controls established by the Control Council, German administrative machinery shall be created and the German authorities shall be required to the fullest extent practicable to proclaim and assume administration of such controls. Thus it should be brought home to the German people that the responsibility for the administration of such controls and any break-down in these controls will rest with themselves. Any German controls which may run counter to the objectives of occupation will be prohibited.

17. Measures shall be promptly taken:

- (a) To effect essential repair of transport;
- (b) To enlarge coal production;
- (c) To maximize agricultural output; and
- (d) To effect emergency repair of housing and essential utilities.

18. Appropriate steps shall be taken by the Control Council to exercise control and the power of disposition over German-owned external assets not already under the control of United Nations which have taken part in the war against Germany.

19. Payment of reparations should leave enough reserves to enable the German people to subsist without external assistance. In working out the economic balance of Germany the necessary means must be provided to pay for imports approved by the Control Council in Germany. The proceeds of exports from current production and stocks shall be available in the first place for payment for such imports.

The above clause will not apply to the equipment and products referred to in paragraphs 4 (A) and 4 (B) of the Reparations Agreement.

IV. Reparations from Germany

In accordance with the Crimea decision that Germany be compelled to compensate to the greatest possible extent for the loss and suffering that she has caused to the United Nations and for which the German people cannot escape responsibility, the following agreement on reparations was reached:

1. Reparation claims of the U.S.S.R. shall be met by removals from the zone of Germany occupied by the U.S.S.R. and from appropriate German external assets.

2. The U.S.S.R. undertakes to settle the reparation claims of Poland from its own share of reparations.

3. The reparation claims of the United States, the United Kingdom and other countries entitled to reparations shall be met from the western zones and from appropriate German external assets.

4. In addition to the reparations to be taken by the U.S.S.R. from its own zone of occupation, the U.S.S.R. shall receive additionally from the western zones:

(A) 15 per cent of such usable and complete industrial capital equipment, in the first place from the metallurgical, chemical and machine manufacturing industries, as is unnecessary for the German peace economy and should be removed from the western zones of Germany, in exchange for an equivalent value of food, coal, potash, zinc, timber, clay products, petroleum products, and such other commodities as may be agreed upon.

(B) 10 per cent of such industrial capital equipment as is necessary for the German peace economy and should be removed from the western zones, to be transferred to the Soviet Government on reparations account without payment or exchange of any kind in return.

Removals of equipment as provided in (A) and (B) above shall be made simultaneously.

5. The amount of equipment to be removed from the western zones on account of reparations must be determined within six months from now at the latest.

6. Removals of industrial capital equipment shall begin as soon as possible and shall be completed within two years from the determination specified in paragraph 5. The delivery of goods covered by 4 (A) above shall begin as soon as possible and shall be made by the U.S.S.R. in agreed installments within five years of the date hereof. The determination of the amount and character of the industrial capital equipment unnecessary for the German peace economy and therefore available for reparations shall be made by the Control Council under policies fixed by the Allied Commission on Reparations, with the participation of France, subject to the final approval of the zone commander in the zone from which the equipment is to be removed.

7. Prior to the fixing of the total amount of equipment subject to removal, advance deliveries shall be made in respect of such equip-

ment as will be determined to be eligible for delivery in accordance with the procedure set forth in the last sentence of paragraph 6.

8. The Soviet Government renounces all claims in respect of reparations to shares of German enterprises which are located in the western zones of occupation in Germany as well as to German foreign assets in all countries except those specified in paragraph 9 below.

9. The Governments of the United Kingdom and the United States of America renounce their claims in respect of reparations to shares of German enterprises which are located in the eastern zone of Germany, as well as to German foreign assets in Bulgaria, Finland, Rumania and Eastern Austria.

10. The Soviet Government makes no claims to gold captured by the Allied troops in Germany.

V. Disposal of the German Navy and Merchant Marine

The Conference agreed in principle upon arrangements for the use and disposal of the surrendered German Fleet and merchant ships. It was decided that the three Governments would appoint experts to work out together detailed plans to give effect to the agreed principles. A further joint statement will be published simultaneously by the three Governments in due course. . . .

PART VIII

*Germany After
World War II*

161 The Nuremberg Verdicts, 1946

In February, 1920, the French Premier, Alexandre Millerand, on the basis of the penalty clauses of the Treaty of Versailles, presented the German government with a list of "war criminals," including Field Marshal Paul von Hindenburg, General Erich Ludendorff, Admiral Alfred von Tirpitz, Chancellor Theobald von Bethmann-Hollweg, and some nine hundred officers and soldiers of the Germany army and navy. The German people reacted violently against the indictment. The list was finally cut down to twelve, mostly prison commandants and submarine officers, who were tried before the Reich Supreme Court at Leipzig and either acquitted or given light sentences.

Altogether different were the trials of the major war criminals of World War II, which took place from November, 1945, to October, 1946, at Nuremberg, the scene of Nazi party rallies. A mass of documentary evidence, mostly from German sources, was presented before a tribunal consisting of an American, a British, a French, and a Soviet judge, under the presidency of the British Justice Sir Geoffrey Lawrence. This evidence was enough to fill forty-two bulky volumes. The story of conspiracy, aggression, and brutality, unparalleled in the history of civilization, shocked the entire world.

Twenty-one persons were tried (Martin Bormann was tried in absentia). The trial was a model display of calm judicial temper

and skillful prosecution and defense. The verdicts condemned as criminal organizations the Nazi Leadership Corps, the Gestapo, the S.S., and the S.D. The following accused were condemned to death by hanging: Hermann Göring, Joachim von Ribbentrop, General Wilhelm von Keitel, General Alfred Jodl, Alfred Rosenberg, Wilhelm Frick, Arthur Seyss-Inquart, Fritz Sauckel, Martin Bormann (in absentia), Ernst Kaltenbrunner, Hans Frank, and Julius Streicher. Admiral Erich Raeder, Walther Funk, and Rudolf Hess were sentenced to life imprisonment; Albert Speer and Baldur von Schirach to twenty years; Konstantin von Neurath to fifteen years; and Admiral Karl Dönitz to ten years. Hjalmar Schacht, Hans Fritzsche, and Franz von Papen were acquitted. Shortly before his execution was to have taken place, Göring committed suicide in his cell.

Critics of the Nuremberg trials contend that the authority of an international court could not be based upon a charter drawn up by victors for the purpose of punishing defeated enemies. Defenders insist with equal vehemence that, far from being retroactive in character, these trials were fully within the tradition of a developing international law. At any rate, the proceedings were conducted with painstaking care and dignity. The evidence was overwhelming against the defendants.

The following extracts give the court's verdicts on four of the defendants.

Extracts from the Nuremberg Judgments, 1946 *

The four counts of the indictment:

1. Conspiracy to commit crimes alleged in other counts;
2. Crimes against peace;
3. War crimes;
4. Crimes against humanity.

GÖRING: From the moment he joined the Party in 1922 and took command of the street fighting organization, the S.A., Göring was the adviser, the active agent of Hitler and one of the prime leaders

* Condensed from the *Nuremberg Proceedings*, as quoted in G. M. Gilbert, *Nuremberg Diary* (New York, 1947), pp. 437-439, 440-441.

of the Nazi movement. As Hitler's political deputy he was largely instrumental in bringing the National Socialists to power in 1933, and was charged with consolidating this power and expanding the German armed might. He developed the Gestapo and created the first concentration camps, relinquishing them to Himmler in 1934; conducted the Röhm purge in that year and engineered the sordid proceedings which resulted in the removal of von Blomberg and von Fritsch from the army. . . .

Göring commanded the Luftwaffe in the attack on Poland and throughout the aggressive wars which followed. . . . The record is filled with Göring's admissions of his complicity in the use of slave labor. . . .

Göring persecuted the Jews, particularly after the November, 1938, riots, and not only in Germany, where he raised the billion-mark fine as stated elsewhere, but in the conquered territories as well. His own utterances, then and in his testimony, show his interest was primarily economic—how to get their property and how to force them out of the economic life of Europe. . . .

There is nothing to be said in mitigation. . . . His guilt is unique in its enormity. The record discloses no excuses for this man.

VERDICT: Guilty on all 4 counts.

SENTENCE: Death by hanging.

HESS: As deputy to the Führer, Hess was the top man in the Nazi party with responsibility for handling all Party matters and authority to make decisions in Hitler's name on all questions of Party leadership. . . . With him on his flight to England, Hess carried certain peace proposals which he alleged Hitler was prepared to accept. It is significant to note that this flight took place only ten days after the date on which Hitler fixed the time for attacking the Soviet Union. . . .

As previously indicated, the Tribunal found, after a full medical examination of and report on the condition of this defendant, that he should be tried, without any postponement of his case. Since that time further motions have been made that he should again be examined. These the Tribunal denied, after having had a report from the prison psychologist. That Hess acts in an abnormal manner, suffers from loss of memory, and has mentally deteriorated during this trial, may be true. But there is nothing to show that he does not realize the nature of the charges against him, or is incapable of defending himself. He was ably represented at the trial by counsel appointed for this purpose by the Tribunal. There is no suggestion that Hess

was not completely sane when the acts charged against him were committed.

VERDICT: *Guilty* on counts 1 and 2.

SENTENCE: Life imprisonment.

RIBBENTROP: Ribbentrop was not present at the Hossbach Conference held on November 5, 1937, but on January 2, 1938, while Ambassador to England, he sent a memorandum to Hitler indicating his opinion that a change in the *status quo* in the East in the German sense could only be carried out by force and suggesting methods to prevent England and France from intervening in a European war fought to bring about such a change. . . .

Ribbentrop participated in the aggressive plans against Czechoslovakia. Beginning in March, 1938, he was in close touch with the Sudeten German Party and gave them instructions which had the effect of keeping the Sudeten German question a live issue which might serve as an excuse for the attack which Germany was planning against Czechoslovakia. . . .

Ribbentrop played a particularly significant role in the diplomatic activity which led up to the attack on Poland. He participated in a conference held on August 12, 1939, for the purpose of obtaining Italian support for the attack. . . . Ribbentrop discussed the German demands with respect to Danzig and the Polish Corridor with the British Ambassador in the period from August 25 to August 30, 1939, when he knew that the German plans to attack Poland had merely been temporarily postponed in an attempt to induce the British to abandon their guarantee to the Poles. . . .

He played an important part in Hitler's "final solution" of the Jewish question. . . . Ribbentrop participated in all the Nazi aggressions from the occupation of Austria to the invasion of the Soviet Union. . . . It was because Hitler's policy and plans coincided with his own ideas that Ribbentrop served him so willingly to the end.

VERDICT: *Guilty* on all 4 counts.

SENTENCE: Death by hanging.

ROSENBERG: Recognized as the Party's ideologist, he developed and spread Nazi doctrines in the newspapers *Völkischer Beobachter* and *N.S. Monatshefte*, which he edited, and in the numerous books he wrote. . . .

Rosenberg bears a major responsibility for the formulation and execution of occupation policies in the Occupied Eastern Territories. He was informed by Hitler on April 2, 1941, of the coming attack on the

Soviet Union, and he agreed to help in the capacity of "Political Adviser." . . .

On July 17, 1941, Hitler appointed Rosenberg Reich Minister for the Eastern Occupied Territories, and publicly charged him with responsibility for civil administration. . . . He helped formulate the policies of Germanization, exploitation, forced labor, extermination of Jews and opponents of Nazi rule, and he set up an administration which carried them out. . . . Rosenberg had knowledge of the brutal treatment and terror to which the Eastern people were subjected. He directed that the Hague Rules of Land Warfare were not applicable in the Occupied Eastern Territories. He had knowledge of and took an active part in stripping the Eastern Territories of raw materials and foodstuffs, which were all sent to Germany. He stated that feeding the German people was first on the list of claims on the East, and the Soviet people would suffer thereby. His directives provided for the segregation of Jews, ultimately in Ghettos. His subordinates engaged in mass killings of Jews, and his civil administrators considered that cleansing the Eastern Occupied Territories of Jews was necessary. . . . His signature of approval appears on the order of June 14, 1941, for the *Heu Aktion*, the apprehension of 40,000 to 50,000 youths, aged 10-14, for shipment to the Reich. . . .

VERDICT: *Guilty* on all 4 counts.

SENTENCE: Death by hanging.

162 The Bonn Constitution, 1949

On September 1, 1948, a German Parliamentary Council, or Constituent Assembly, of sixty-five delegates, nominated by the Diets of the eleven Länder (states) in the French, British, and American zones, met at Bonn to draw up a Basic Law for the Federal Republic of Germany. The Council sat until May 23, 1949, under the presidency of Konrad Adenauer, chairman of the Christian Democratic Union in North Rhine-Westphalia. The Basic Law (the constitution was called "Basic Law" because it was intended for a period of transition) was adopted by the Parliamentary Council and approved by the three Western occupying powers.

An Occupation Statute, promulgated on May 12, 1949, reserved to the occupying powers the fields of disarmament, reparations, foreign affairs, and displaced persons, but otherwise gave the new Federal Republic "full legislative, executive, and judicial powers." The civil status was restored on September 21, 1949. During this same month Theodor Heuss was elected first President (September 12, 1949), and Konrad Adenauer was made Chancellor (September 15th).

The United States, Great Britain, and France concluded peace contract agreements with Western Germany in Bonn, May 26, 1952, restoring almost complete independence and making it a member of the free European community. Further agreements, signed in Paris, October 23, 1954, with fourteen Western nations gave the Federal Republic virtual sovereignty and prepared the way for it to enter the North Atlantic Treaty Organization and the Western European Union. The Bonn Republic became officially independent on May 5, 1955.

The Basic Law, reprinted in full here, was closely modeled on the Weimar Constitution. It is one of the most advanced democratic constitutions in history. Care was taken to avoid any loopholes, such as Article 48 of the Weimar Constitution. The Basic Law provides for a federal president, chosen for a term of five years, and for two legislative chambers, the Bundestag, or lower chamber, elected by universal suffrage for four years, and the Bundesrat, or upper house, representing and appointed by the governments of the states. The federal chancellor is elected by the lower house. The city of Bonn, in the Rhineland, was chosen as the capital of the new government.

Complete Text of the Basic Law for the Federal Republic of Germany, with Amendments *

Preamble

The German People in the States of Baden, Bavaria, Bremen, Hamburg, Hesse, Lower Saxony, North-Rhine-Westphalia, Rhineland-

* *The Bonn Constitution, with Amendments: Basic Law for the Federal Republic of Germany* (New York, n.d.), pp. 7-66. Courtesy of the German Embassy, Washington, D.C.

Palatinate, Schleswig-Holstein, Württemberg-Baden and Württemberg-Hohenzollern,

Conscious of its responsibility before God and Men,

Animated by the resolve to preserve its national and political unity and to serve the peace of the World as an equal partner in a united Europe,

Desiring to give a new order to political life for a transitional period, has enacted, by virtue of its constituent power, this Basic Law of the Federal Republic of Germany.

It has also acted on behalf of those Germans to whom participation was denied.

The entire German people is called on to achieve by free self-determination the unity and freedom of Germany.

I. Basic Rights

ARTICLE 1. (1) The dignity of man is inviolable. To respect and protect it is the duty of all state authority.

(2) The German people therefore acknowledges inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.

(3) The following basic rights bind the legislature, the executive and the judiciary as directly enforceable law.

ARTICLE 2. (1) Everyone has the right to the free development of his personality insofar as he does not violate the rights of others or offend against the constitutional order or the moral code.

(2) Everyone has the right to life and to inviolability of his person. The freedom of the individual is inviolable. These rights may only be encroached upon pursuant to a law.

ARTICLE 3. (1) All persons are equal before the law.

(2) Men and women have equal rights.

(3) No one may be prejudiced or favored because of his sex, his parentage, his race, his language, his homeland and origin, his faith or his religious or political opinions.

ARTICLE 4. (1) Freedom of faith and of conscience, and freedom of creed, religious or ideological, are inviolable.

(2) The undisturbed practice of religion is guaranteed.

(3) No one may be compelled against his conscience to render war service as an armed combatant. Details will be regulated by a federal law.

ARTICLE 5. (1) Everyone has the right freely to express and to disseminate his opinion by speech, writing and pictures and freely to

inform himself from generally accessible sources. Freedom of the press and freedom of reporting by radio and motion pictures are guaranteed. There shall be no censorship.

(2) These rights are limited by the provisions of the general laws, the provisions of law for the protection of youth and by the right to inviolability of personal honor.

(3) Art and science, research and teaching are free. Freedom of teaching does not absolve from loyalty to the constitution.

ARTICLE 6. (1) Marriage and family enjoy the special protection of the state.

(2) Care and upbringing of children are the natural right of the parents and a duty primarily incumbent on them. The state watches over the performance of this duty.

(3) Separation of children from the family against the will of the persons entitled to bring them up may take place only pursuant to a law, if those so entitled fail in their duty or if the children are otherwise threatened with neglect.

(4) Every mother is entitled to the protection and care of the community.

(5) Illegitimate children shall be provided by legislation with the same opportunities for their physical and spiritual development and their position in society as are enjoyed by legitimate children.

ARTICLE 7. (1) The entire educational system is under the supervision of the state.

(2) The persons entitled to bring up a child have the right to decide whether it shall receive religious instruction.

(3) Religious instruction forms part of the ordinary curriculum in state and municipal schools, except in secular schools. Without prejudice to the state's right of supervision, religious instruction is given in accordance with the tenets of the religious communities. No teacher may be obliged against his will to give religious instruction.

(4) The right to establish private schools is guaranteed. Private schools, as a substitute for state or municipal schools, require the approval of the state and are subject to the laws of the states. This approval must be given if private schools are not inferior to the state or municipal schools in their educational aims, their facilities and the professional training of their teaching staff, and if a segregation of the pupils according to the means of the parents is not promoted. This approval must be withheld if the economic and legal position of the teaching staff is not sufficiently assured.

(5) A private elementary school shall be admitted only if the educational authority finds that it serves a special pedagogic interest,

or if, on the application of persons entitled to bring up children, it is to be established as an inter-denominational or denominational or ideological school and a state or municipal elementary school of this type does not exist in the community.

(6) Preparatory schools remain abolished.

ARTICLE 8. (1) All Germans have the right to assemble peacefully and unarmed without prior notification or permission.

(2) With regard to open-air meetings this right may be restricted by or pursuant to a law.

ARTICLE 9. (1) All Germans have the right to form associations and societies.

(2) Associations, the objects or activities of which conflict with the criminal laws or which are directed against the constitutional order or the concept of international understanding, are prohibited.

(3) The right to form associations to safeguard and improve working and economic conditions is guaranteed to everyone and to all trades and professions. Agreements which restrict or seek to hinder this right are null and void; measures directed to this end are illegal.

ARTICLE 10. Secrecy of the mail and secrecy of posts and telecommunications are inviolable. Restrictions may be ordered only pursuant to a law.

ARTICLE 11. (1) All Germans enjoy freedom of movement throughout the federal territory.

(2) This right may be restricted only by a law and only in cases in which an adequate basis of existence is lacking and special burdens would arise to the community as a result thereof or in which the restriction is necessary for the protection of youth against neglect, for combating the danger of epidemics or for the prevention of crime.

ARTICLE 12. (1) All Germans have the right freely to choose their trade or profession, their place of work and their place of training. The practice of trades and professions may be regulated by law.

(2) No one may be compelled to perform a particular work except within the framework of a traditional compulsory public service which applies generally and equally to all.

(3) Forced labor may be imposed only in the event that a person is deprived of his freedom by the sentence of a court.

ARTICLE 13. (1) The home is inviolable.

(2) Searches may be ordered only by a judge or, in the event of danger in delay, by other organs as provided by law and may be carried out only in the form prescribed by law.

(3) Otherwise, this inviolability may be encroached upon or restricted only to avert a common danger or a mortal danger to indi-

viduals, or, pursuant to a law, to prevent imminent danger to public security and order, especially to alleviate the housing shortage, to combat the danger of epidemics or to protect endangered juveniles.

ARTICLE 14. (1) Property and the rights of inheritance are guaranteed. Their content and limits are determined by the laws.

(2) Property imposes duties. Its use should also serve the public weal.

(3) Expropriation is permitted only in the public weal. It may take place only by or pursuant to a law which provides for kind and extent of the compensation. The compensation shall be determined upon just consideration of the public interest and of the interests of the persons affected. In case of dispute regarding the amount of compensation, recourse may be had to the ordinary courts.

ARTICLE 15. Land, natural resources and means of production may for the purpose of socialization be transferred into public ownership or other forms of publicly controlled economy by a law which provides for kind and extent of the compensation. With respect to such compensation Article 14, paragraph 3, sentences 3 and 4, apply *mutatis mutandis*.

ARTICLE 16. (1) No one may be deprived of his German citizenship. Loss of citizenship may arise only pursuant to a law, and against the will of the person affected it may arise only if such person does not thereby become stateless.

(2) No German may be extradited to a foreign country. Persons persecuted for political reasons enjoy the right of asylum.

ARTICLE 17. Everyone has the right individually or jointly with others to address written requests or complaints to the competent authorities and to the representative assemblies.

ARTICLE 18. Whoever abuses freedom of expression of opinion, in particular freedom of the press (Article 5, paragraph 1), freedom of teaching (Article 5, paragraph 3), freedom of assembly (Article 8), freedom of association (Article 9), the secrecy of mail, posts and telecommunications (Article 10), property (Article 14), or the right of asylum (Article 16, paragraph 2) in order to attack the free democratic basic order, forfeits these basic rights. The forfeiture and its extent are pronounced by the Federal Constitutional Court.

ARTICLE 19. (1) Insofar as under this Basic Law a basic right may be restricted by or pursuant to a law, the law must apply generally and not solely to an individual case. Furthermore, the law must name the basic right, indicating the Article.

(2) In no case may a basic right be infringed upon in its essential content.

(3) The basic rights apply also to corporations established under German Public Law to the extent that the nature of such rights permits.

(4) Should any person's right be violated by public authority, recourse to the court shall be open to him. If no other court has jurisdiction, recourse shall be to the ordinary courts.

II. The Federation and the States

ARTICLE 20. (1) The Federal Republic of Germany is a democratic and social federal state.

(2) All state authority emanates from the people. It is exercised by the people by means of elections and voting and by separate legislative, executive and judicial organs.

(3) Legislation is subject to the constitutional order; the executive and the judiciary are bound by the law.

ARTICLE 21. (1) The political parties participate in the forming of the political will of the people. They may be freely formed. Their internal organization must conform to democratic principles. They must publicly account for the sources of their funds.

(2) Parties which, by reason of their aims or the behavior of their adherents, seek to impair or destroy the free democratic basic order or to endanger the existence of the Federal Republic of Germany are unconstitutional. The Federal Constitutional Court decides on the question of unconstitutionality.

(3) Details will be regulated by federal legislation.

ARTICLE 22. The federal flag is black-red-gold.

ARTICLE 23. For the time being, this Basic Law applies in the territory of the States of Baden, Bavaria, Bremen, Greater Berlin, Hamburg, Hesse, Lower Saxony, North-Rhine-Westphalia, Rhineland-Palatinate, Schleswig-Holstein, Württemberg-Baden and Württemberg-Hohenzollern. In other parts of Germany it shall be put into force on their accession.

ARTICLE 24. (1) The Federation may, by legislation, transfer sovereign powers to international institutions.

(2) For the maintenance of peace, the Federation may join a system of mutual collective security; in doing so it will consent to such limitations upon its sovereign powers as will bring about and secure a peaceful and lasting order in Europe and among the nations of the world.

(3) For the settlement of disputes between nations, the Federa-

tion will accede to agreements concerning a general, comprehensive and obligatory system of international arbitration.

ARTICLE 25. The general rules of public international law form part of the federal law. They take precedence over the laws and directly create rights and duties for the inhabitants of the federal territory.

ARTICLE 26. (1) Activities tending and undertaken with the intent to disturb peaceful relations between nations, especially to prepare for aggressive war, are unconstitutional. They shall be made a punishable offense.

(2) Weapons designed for warfare may be manufactured, transported or marketed only with the permission of the Federal Government. Details will be regulated by a federal law.

ARTICLE 27. All German merchant vessels form one merchant fleet.

ARTICLE 28. (1) The constitutional order in the states must conform to the principles of republican, democratic and social government based on the rule of law, within the meaning of this Basic Law. In each of the states, counties and communities, the people must be represented by a body chosen in universal, direct, free, equal and secret elections. In the communities the assembly of the community may take the place of an elected body.

(2) The communities must be guaranteed the right to regulate on their own responsibility all the affairs of the local community within the limits set by law. The associations of communities also have the right of self-government in accordance with the law within the limits of the functions given them by law.

(3) The Federation guarantees that the constitutional order of the states conforms to the basic rights and to the provisions of paragraphs (1) and (2).

ARTICLE 29. (1) The federal territory shall be reorganized by a federal law with due regard to regional ties, historical and cultural connections, economic expediency and social structure. Such reorganization should create states which by their size and capacity are able effectively to fulfill the functions incumbent upon them.

(2) In areas which upon the reorganization of the states after May 8, 1945, became, without plebiscite, part of another state, a specific change in the decision then taken regarding the state boundaries may be demanded by popular initiative within a year from the coming into force of the Basic Law. The popular initiative requires the assent of one tenth of the population entitled to vote in state parliament elections. If the popular initiative receives such assent,

the Federal Government must include in the draft of the reorganization law a provision determining to which state the area concerned shall belong.

(3) After the law has been passed, such part of the law as provides for the transfer of an area from one state to another must be submitted to a referendum in that area. If a popular initiative received the assent required under paragraph 2, a referendum must in any event be held in the area concerned.

(4) Insofar as the law is rejected in at least one area, it must be reintroduced into the Bundestag. After it has been passed again, it requires to that extent acceptance by a referendum in the entire federal territory.

(5) In a referendum the majority of the votes cast decides.

(6) The procedure shall be established by a federal law. The reorganization should be concluded before the expiration of three years after promulgation of the Basic Law and, should it become necessary as a result of the accession of another part of Germany, within two years after such accession.

(7) The procedure regarding any other change in the territory of the states shall be established by a federal law which requires the consent of the Bundesrat and of the majority of the members of the Bundestag.

ARTICLE 30. The exercise of governmental powers and the discharge of governmental functions is incumbent on the states insofar as this Basic Law does not otherwise prescribe or permit.

ARTICLE 31. Federal law overrides state law.

ARTICLE 32. (1) The conduct of relations with foreign states is the concern of the Federation.

(2) Before the conclusion of a treaty affecting the special interests of a federal state, this state must be consulted in sufficient time.

(3) Insofar as the states have power to legislate, they may, with the consent of the Federal Government, conclude treaties with foreign states.

ARTICLE 33. (1) Every German has in every state the same civic rights and duties.

(2) Every German is equally eligible for any public office according to his aptitude, qualifications and professional achievements.

(3) Enjoyment of civil and civic rights, eligibility for public office, and rights acquired in the public service are independent of religious denomination. No one may suffer disadvantage by reason of his adherence or non-adherence to a denomination or ideology.

(4) The exercise of state authority as a permanent function shall

as a rule be entrusted to members of the public service whose status, service and loyalty are governed by public law.

(5) The law of the public service shall be regulated with due regard to the traditional principles of the permanent civil service.

ARTICLE 34. If any person, in the exercise of a public office entrusted to him, violates his official obligations to a third party, liability rests in principle on the state or the public authority which employs him. In the case of willful intent or gross carelessness the right of recourse is reserved. With respect to the claim for compensation or the right of recourse, the jurisdiction of the ordinary courts must not be excluded.

ARTICLE 35. All federal and state authorities render each other mutual legal and administrative assistance.

ARTICLE 36. Civil servants employed in the highest federal authorities shall be drawn from all states in appropriate proportion. Persons employed in other federal authorities should, as a rule, be drawn from the state in which they serve.

ARTICLE 37. (1) If a state fails to comply with its obligations of a federal character imposed by the Basic Law or another federal law, the Federal Government may, with the consent of the Bundesrat, take the necessary measures to enforce such compliance by the state by way of federal compulsion.

(2) To carry out such federal compulsion the Federal Government or its commissioner has the right to give instructions to all states and their authorities.

III. The Lower House of Parliament (Bundestag)

ARTICLE 38. (1) The Bundestag is elected for a four-year term, in universal, direct, free, equal and secret elections. They are representatives of the whole people, are not bound by orders and instructions and are subject only to their conscience.

(2) Anyone who has attained the age of twenty-one is entitled to vote; anyone who has attained the age of twenty-five is eligible for election.

(3) Details will be regulated by a federal law.

ARTICLE 39. (1) The Bundestag is elected for a four-year term. Its legislative term ends four years after its first meeting or on its dissolution. The new election takes place during the last three months of the term or within sixty days after dissolution.

(2) The Bundestag assembles within thirty days after the election, but not before the end of the term of the previous Bundestag.

(3) The Bundestag determines the termination and resumption of its meetings. The President of the Bundestag may convene it at an earlier date. He must do so if one third of the members, the Federal President or the Federal Chancellor so demand.

ARTICLE 40. (1) The Bundestag elects its President, Vice Presidents and Secretaries. It draws up its rules of procedure.

(2) The President exercises the proprietary and police powers in the Bundestag building. No search or seizure may take place in the premises of the Bundestag without his permission.

ARTICLE 41. (1) The scrutiny of elections is the responsibility of the Bundestag. It also decides whether a deputy has lost his seat in the Bundestag.

(2) Against the decision of the Bundestag an appeal can be made to the Federal Constitutional Court.

(3) Details will be regulated by a federal law.

ARTICLE 42. (1) The meetings of the Bundestag are public. Upon a motion of one tenth of its members, or upon a motion of the Federal Government, the public may, by a two-thirds majority vote, be excluded. The decision on the motion is taken at a meeting not open to the public.

(2) Decisions of the Bundestag require a majority of votes cast unless this Basic Law provides otherwise. For the elections to be made by the Bundestag the rules of procedure may provide exceptions.

(3) True and accurate reports of the public meetings of the Bundestag and of its committees shall not give rise to any liability.

ARTICLE 43. (1) The Bundestag and its committees may demand the presence of any member of the Federal Government.

(2) The members of the Bundesrat and of the Federal Government as well as persons commissioned by them have access to all meetings of the Bundestag and its committees. They must be heard at any time.

ARTICLE 44. (1) The Bundestag has the right, and upon the motion of one fourth of its members the duty, to set up a committee of investigation which shall take the requisite evidence at public hearings. The public may be excluded.

(2) The rules of criminal procedure shall apply *mutatis mutandis* to the taking of evidence. The secrecy of the mail, posts and telecommunications remains unaffected.

(3) Courts and administrative authorities are bound to render legal and administrative assistance.

(4) The decisions of the committees of investigation are not subject to judicial consideration. The courts are free to evaluate and judge the facts on which the investigation is based.

ARTICLE 45. (1) The Bundestag appoints a Standing Committee which shall safeguard the rights of the Bundestag as against the Federal Government in the interval between two legislative terms. The Standing Committee has also the powers of a committee of investigation.

(2) Wider powers, such as the right to legislate, to elect the Federal Chancellor, and to impeach the Federal President, are not within the province of the Standing Committee.

ARTICLE 46. (1) A deputy may not at any time be prosecuted in the courts or subjected to disciplinary action or otherwise called to account outside the Bundestag on account of a vote cast or an utterance made by him in the Bundestag or one of its committees. This does not apply to defamatory insults.

(2) A deputy may be called to account or arrested for a punishable offense only by permission of the Bundestag, unless he is apprehended in the commission of the offense or during the course of the following day.

(3) The permission of the Bundestag is also necessary for any other restriction of the personal freedom of a deputy or for the initiation of proceedings against a deputy under Article 18.

(4) Any criminal proceedings and any proceedings under Article 18 against a deputy, any detention and any other restriction of his personal freedom shall be suspended upon the request of the Bundestag.

ARTICLE 47. Deputies may refuse to give evidence concerning persons who have confided facts to them in their capacity as deputies or to whom they have confided facts in such capacity, as well as concerning these facts themselves. To the extent that this right to refuse to give evidence exists, no seizure of documents may take place.

ARTICLE 48. (1) Any person seeking election to the Bundestag is entitled to the leave necessary for his election campaign.

(2) No one may be prevented from accepting and exercising the office of deputy. He may not be dismissed from employment, with or without notice, on this ground.

(3) Deputies are entitled to compensation adequate to ensure their independence. They are entitled to the free use of all state-owned transport. Details will be regulated by a federal law.

ARTICLE 49. With respect to the members of the Praesidium and to the Standing Committee as well as their principal substitutes,

Articles 46, 47 and paragraphs 2 and 3 of Article 48 apply also in the interval between two legislative terms.

IV. The Upper House of Parliament (Bundesrat)

ARTICLE 50. The states participate through the Bundesrat in the legislation and administration of the Federation.

ARTICLE 51. (1) The Bundesrat consists of members of the state governments which appoint and recall them. Other members of such governments may act as substitutes.

(2) Each state has at least three votes; states with more than two million inhabitants have four, states with more than six million inhabitants, five votes.

(3) Each state may delegate as many members as it has votes. The votes of each state may be cast only as a block vote and only by members present or their substitutes.

ARTICLE 52. (1) The Bundesrat elects its President for one year.

(2) The President convenes the Bundesrat. He must convene it if the members for at least two states or the Federal Government so demand.

(3) The Bundesrat takes its decisions by at least a majority of its votes. It draws up its rules of procedure. Its meetings are public. The public may be excluded.

(4) Other members of, or persons commissioned by, state governments may serve on the committees of the Bundesrat.

ARTICLE 53. The members of the Federal Government have the right, and on demand the duty, to take part in the debates of the Bundesrat and of its committees. They must be heard at any time. The Bundesrat must be currently kept informed by the Federal Government of the conduct of affairs.

V. The Federal President

ARTICLE 54. (1) The Federal President is elected, without debate, by the Federal Convention. Every German is eligible who is entitled to vote for the Bundestag and who has attained the age of forty.

(2) The term of office of the Federal President is five years. Re-election for a consecutive term is permitted only once.

(3) The Federal Convention consists of the members of the

(2) Treaties which regulate the political relations of the Federation or relate to matters of federal legislation require the consent or participation, in the form of a federal law, of the bodies competent in any specific case for such federal legislation. For administrative agreements the provisions concerning the federal administration apply *mutatis mutandis*.

ARTICLE 60. (1) The Federal President appoints and dismisses the federal judges and the federal civil servants, unless otherwise provided for by law.

(2) He exercises the power of pardon on behalf of the Federation in individual cases.

(3) He may delegate these powers to other authorities.

(4) Paragraphs 2 to 4 of Article 46 apply *mutatis mutandis* to the Federal President.

ARTICLE 61. (1) The Bundestag or the Bundesrat may impeach the Federal President before the Federal Constitutional Court for willful violation of the Basic Law or any other federal law. The motion for impeachment must be brought forward by at least one fourth of the members of the Bundestag or one fourth of the votes of the Bundesrat. The decision to impeach requires a majority of two thirds of the members of the Bundestag or of two thirds of the votes of the Bundesrat. The prosecution is conducted by a person commissioned by the impeaching body.

(2) If the Federal Constitutional Court finds the Federal President guilty of a willful violation of the Basic Law or of another federal law, it may declare him to have forfeited his office. After impeachment, it may issue an interim order preventing the Federal President from exercising the powers of his office.

VI. The Federal Government

ARTICLE 62. The Federal Government consists of the Federal Chancellor and the Federal Ministers.

ARTICLE 63. (1) The Federal Chancellor is elected, without debate, by the Bundestag on the proposal of the Federal President.

(2) The person obtaining the votes of the majority of the members of the Bundestag is elected. The person elected must be appointed by the Federal President.

(3) If the person proposed is not elected, the Bundestag may elect within fourteen days of the ballot a Federal Chancellor by more than one half of its members.

(4) If there is no election within this period, a new ballot shall take place without delay, in which the person obtaining the largest number of votes is elected. If the person elected obtained the votes of the majority of the members of the Bundestag, the Federal President must appoint him within seven days of the election. If the person elected did not receive this majority, the Federal President must within seven days either appoint him or dissolve the Bundestag.

ARTICLE 64. (1) The Federal Ministers are appointed and dismissed by the Federal President upon the proposal of the Federal Chancellor.

(2) The Federal Chancellor and the Federal Ministers, on assuming office, take before the Bundestag the oath provided in Article 56.

ARTICLE 65. The Federal Chancellor determines, and is responsible for, general policy. Within the limits of this general policy, each Federal Minister conducts the business of his department autonomously and on his own responsibility. The Federal Government decides on differences of opinion between the Federal Ministers. The Federal Chancellor conducts the business of the Federal Government in accordance with rules of procedure adopted by it and approved by the Federal President.

ARTICLE 66. The Federal Chancellor and the Federal Ministers may not hold any other salaried office, nor engage in a trade, nor practice a profession, nor belong to the management or, without the consent of the Bundestag, to the board of directors of an enterprise carried on for profit.

ARTICLE 67. (1) The Bundestag can express its lack of confidence in the Federal Chancellor only by electing a successor by the majority of its members and by requesting the Federal President to dismiss the Federal Chancellor. The Federal President must comply with the request and appoint the person elected.

(2) Forty-eight hours must elapse between the motion and the election.

ARTICLE 68. (1) If a motion of the Federal Chancellor for a vote of confidence is not assented to by the majority of the members of the Bundestag, the Federal President may, upon the proposal of the Federal Chancellor, dissolve the Bundestag within twenty-one days. The right to dissolve lapses as soon as the Bundestag by the majority of its members elects another Federal Chancellor.

(2) Forty-eight hours must elapse between the motion and the vote thereon.

ARTICLE 69. (1) The Federal Chancellor appoints a Federal Minister as his deputy.

(2) The tenure of office of the Federal Chancellor or a Federal Minister ends in any event on the first meeting of a new Bundestag; the tenure of office of a Federal Minister ends also on any other termination of the tenure of office of the Federal Chancellor.

(3) At the request of the Federal President the Federal Chancellor, or at the request of the Federal Chancellor or of the Federal President, a Federal Minister is bound to continue to transact the business of his office until the appointment of a successor.

VII. *Legislative Powers of the Federation*

ARTICLE 70. (1) The states have the power to legislate insofar as this Basic Law does not confer legislative powers on the Federation.

(2) The division of competence between the Federation and the states is determined by the provisions of this Basic Law concerning exclusive and concurrent legislative powers.

ARTICLE 71. On matters within the exclusive legislative powers of the Federation the states have authority to legislate only if, and to the extent that, a federal law explicitly so authorizes them.

ARTICLE 72. (1) On matters within the concurrent legislative powers the states have authority to legislate as long as, and to the extent that, the Federation does not use its legislative power.

(2) The Federation has the right to legislate on these matters to the extent that a need for a federal rule exists because

1. a matter cannot be effectively dealt with by the legislation of individual states, or
2. dealing with a matter by a state law might prejudice the interests of other states or of the entire community, or
3. the maintenance of legal or economic unity, especially the maintenance of uniformity of living conditions beyond the territory of a state, necessitates it.

ARTICLE 73. The Federation has the exclusive power to legislate on:

1. foreign affairs *
2. citizenship in the Federation;
3. freedom of movement, passports, immigration and emigration, and extradition;
4. currency, money and coinage, weights and measures, as well as computation of time;
5. the unity of the customs and commercial territory, commercial

* Amended as of March 27, 1954. See Appendix.

and navigation agreements, the freedom of movement of goods, and the exchanges of goods and payments with foreign countries, including customs and frontier protection;

6. federal railroads and air traffic;
7. postal and telecommunication services;
8. the legal status of persons employed by the Federation and by federal bodies-corporate under public law,
9. industrial property rights, copyrights and publication rights;
10. cooperation of the Federation and the States in matters of criminal police and of protection of the Constitution, establishment of a federal office of the criminal police, as well as international control of crime;
11. statistics for federal purposes.

ARTICLE 74. Concurrent legislative powers extend to the following matters:

1. civil law, criminal law and execution of sentences, the system of judicature, the procedure of the courts, the legal profession, notaries and legal advice;
2. registration of births, deaths, and marriages;
3. the law of association and assembly,
4. the law relating to residence and establishment of aliens,
5. the protection of German cultural treasures against removal abroad;
6. the affairs of refugees and expellees;
7. public welfare;
8. citizenship in the states;
9. war damage and reparations;
10. benefits to war-disabled persons and to dependents of those killed in the war, assistance to former prisoners of war, and care of war graves;
11. the law relating to economic matters (mining, industry, supply of power, crafts, trades, commerce, banking and stock exchanges, private insurance);
12. labor law, including the legal organization of enterprises; protection of workers, employment exchanges and agencies, as well as social insurance, including unemployment insurance;
13. the promotion of scientific research;
14. the law regarding expropriation, to the extent that matters enumerated in Articles 73 and 74 are concerned;
15. transfer of land, natural resources and means of production into public ownership or other forms of publicly controlled economy;

16. prevention of the abuse of economic power;
17. promotion of agricultural and forest production, safeguarding of the supply of food, the import and export of agricultural and forest products, deep sea and coastal fishing, and preservation of the coasts;
18. dealings in real estate, land law and matters concerning agricultural leases, housing, settlements and homesteads;
19. measures against epidemic and infectious diseases of humans and animals, admission to medical and other professions and practices in the field of healing, traffic in drugs, medicines, narcotics, and poisons,
20. protection with regard to traffic in food and stimulants as well as in necessities of life, in fodder, in agricultural and forest seeds and seedlings, and protection of trees and plants against diseases and pests;
21. ocean and coastal shipping as well as aids to navigation, inland shipping, meteorological services, sea waterways and inland waterways used for general traffic;
22. road traffic, motor transport, and construction and maintenance of long distance highways;
23. railroads other than federal railroads, except mountain railroads.

ARTICLE 75. Subject to the conditions of Article 72 the Federation has the right to enact general rules concerning:

1. the legal status of persons in the public service of the states, communities and other bodies-corporate of public law;
2. the general rules of law concerning the status of the press and motion pictures;
3. hunting, protection of nature and care of the countryside;
4. land distribution, regional planning and water conservation;
5. matters relating to registration and identity cards.

ARTICLE 76. (1) Bills are introduced in the Bundestag by the Federal Government, by members of the Bundestag or by the Bundesrat.

(2) Bills of the Federal Government shall be submitted first to the Bundesrat. The Bundesrat is entitled to state its position on these bills within three weeks.

(3) Bills of the Bundesrat shall be submitted to the Bundestag by the Federal Government. In doing so the Federal Government must state its own views.

ARTICLE 77. (1) Federal laws are adopted by the Bundestag.

Upon their adoption, they shall, without delay, be transmitted to the Bundesrat by the President of the Bundestag.

(2) The Bundesrat may, within two weeks of the receipt of the adopted bill, demand that a committee for joint consideration of bills, composed of members of the Bundestag and the Bundesrat, be convened. The composition and the procedure of this committee are regulated by rules of procedure adopted by the Bundestag and requiring the consent of the Bundesrat. The members of the Bundesrat on this committee are not bound by instructions. If the consent of the Bundesrat is required for a law, the demand for convening this committee may also be made by the Bundestag or the Federal Government. Should the committee propose any amendment to the adopted bill, the Bundestag must again vote on the bill.

(3) Insofar as the consent of the Bundesrat is not required for a law, the Bundesrat may, if the proceedings under paragraph 2 are completed, enter a protest within one week against a law adopted by the Bundestag. This period begins, in the case of paragraph 2, last sentence, on the receipt of the bill as readopted by the Bundestag, in all other cases, on the conclusion of the proceedings of the committee provided for in paragraph 2.

(4) If the protest is adopted by a majority of the votes of the Bundesrat, it can be rejected by a decision of the majority of the members of the Bundestag. If the Bundesrat adopted the protest by a majority of at least two thirds of its votes, the rejection by the Bundestag requires a majority of two thirds, including at least the majority of the members of the Bundestag.

ARTICLE 78. A law adopted by the Bundestag is deemed to have been passed if the Bundesrat consents to it, does not make a demand pursuant to Article 77, paragraph 2, does not enter a protest within the time limited by Article 77, paragraph 3, or withdraws such protest, or if the protest is overridden by the Bundestag.

ARTICLE 79. (1) The Basic Law can be amended only by a law which expressly amends or supplements the text thereof.*

(2) Such a law requires the affirmative vote of two thirds of the members of the Bundestag and two thirds of the votes of the Bundesrat.

(3) An amendment of this Basic Law affecting the division of the Federation into states, the participation in principle of the states in legislation, or the basic principles laid down in Articles 1 and 20, is inadmissible.

* Supplemented as of March 27, 1954. See Appendix.

ARTICLE 80. (1) The Federal Government, a Federal Minister or the State Governments may be authorized by a law to issue ordinances having the force of law. The content, purpose and scope of the powers conferred must be set forth in the law. The legal basis must be stated in the ordinance. If a law provides that a power may be further delegated, an ordinance having the force of law is necessary in order to delegate the power.

(2) The consent of the Bundesrat is required, unless otherwise provided by federal legislation, for ordinances having the force of law issued by the Federal Government or a Federal Minister concerning basic rules for the use of facilities of the federal railroads and of postal and telecommunication services, or charges therefor, or concerning the construction and operation of railroads, as well as for ordinances having the force of law issued on the basis of federal laws that require the consent of the Bundesrat or that are executed by the states as agents of the Federation or as matters of their own concern.

ARTICLE 81. (1) Should in the circumstances of Article 68 the Bundestag not be dissolved, the Federal President may, at the request of the Federal Government and with the consent of the Bundesrat, declare a state of legislative emergency with respect to a bill, if the Bundestag rejects the bill although the Federal Government has declared it to be urgent. The same applies if a bill has been rejected although the Federal Chancellor had combined with it the motion under Article 68.

(2) If, after a state of legislative emergency has been declared, the Bundestag again rejects the bill or adopts it in a version declared to be unacceptable to the Federal Government, the bill is deemed to have been passed insofar as the Bundesrat consents to it. The same applies if the bill is not adopted by the Bundestag within four weeks of its reintroduction.

(3) During the term of office of a Federal Chancellor, any other bill rejected by the Bundestag may be passed in accordance with paragraphs 1 and 2 within a period of six months after the first declaration of a state of legislative emergency. After expiration of this period, a further declaration of a state of legislative emergency is inadmissible during the term of office of the same Federal Chancellor.

(4) The Basic Law may not be amended nor be repealed nor suspended in whole or in part by a law passed pursuant to paragraph 2.

ARTICLE 82. (1) Laws passed in accordance with the provisions of this Basic Law will, after countersignature, be signed by the Federal President and promulgated in the Federal Gazette. Ordinances having the force of law will be signed by the agency which issues them, and,

unless otherwise provided by law, will be promulgated in the Federal Gazette.

(2) Every law and every ordinance having the force of law should specify its effective date. In the absence of such a provision, it becomes effective on the fourteenth day after the end of the day on which the Federal Gazette was published.

VIII. The Execution of Federal Laws and the Federal Administration

ARTICLE 83. The states execute federal laws as matters of their own concern insofar as this Basic Law does not otherwise provide or permit.

ARTICLE 84. (1) If the states execute federal laws as matters of their own concern, they provide for the establishment of authorities and the regulation of administrative procedures insofar as federal laws consented to by the Bundesrat do not otherwise provide.

(2) The Federal Government may, with the consent of the Bundesrat, issue general administrative rules.

(3) The Federal Government exercises supervision to ensure that the states execute federal laws in accordance with applicable law. For this purpose the Federal Government may send commissioners to the highest state authorities and, with their consent or, if this consent is refused, with the consent of the Bundesrat, also to subordinate authorities.

(4) Should any shortcomings which the Federal Government has found to exist in the execution of federal laws in the states not be corrected, the Bundesrat decides, on the application of the Federal Government or the state, whether the state has acted unlawfully. The decision of the Bundesrat may be challenged in the Federal Constitutional Court.

(5) For the execution of federal laws, the Federal Government may, by federal law requiring the consent of the Bundesrat, be authorized to issue individual instructions for particular cases. They must be addressed to the highest state authorities unless the Federal Government considers the matter urgent.

ARTICLE 85. (1) Where the states execute federal laws as agents of the Federation, the establishment of the authorities remains the concern of the states insofar as federal laws consented to by the Bundesrat do not otherwise provide.

(2) The Federal Government may, with the consent of the Bundesrat, issue general administrative rules. It may regulate the uniform

training of civil servants and salaried government employees. The heads of authorities at intermediate level shall be appointed with its agreement.

(3) The state authorities are subject to the instructions of the appropriate highest federal authorities. The instructions shall be addressed to the highest state authorities unless the Federal Government considers the matter urgent. Execution of the instructions shall be ensured by the highest state authorities.

(4) Federal supervision extends to the conformity with law and appropriateness of the execution. The Federal Government may, for this purpose, require the submission of reports and documents and send commissioners to all authorities.

ARTICLE 86. Where the Federation executes laws by federal administrative agencies or by federal bodies-corporate or institutions under public law, the Federal Government issues, insofar as the law contains no special provision, the general administrative rules. It provides for the establishment of authorities insofar as the law does not otherwise provide.

ARTICLE 87. The foreign service, the federal finance administration, the federal railroads, the federal postal service and, in accordance with the provisions of Article 89, the administration of the federal waterways and of shipping are conducted as matters of federal administration with their own subordinate administrative structure. Federal frontier protection authorities and central offices for police information and communications, for the compilation of data for the purpose of protecting the Constitution and for the criminal police may be established by federal legislation.

(2) Social insurance institutions whose sphere of competence extends beyond the territory of one state are conducted as federal bodies-corporate under public law.

(3) In addition, independent federal higher authorities and federal bodies-corporate and institutions under public law may be established by federal law for matters on which the Federation has the power to legislate. If new functions arise for the Federation in matters on which it has the power to legislate, federal authorities at intermediate and lower level may be established, in case of urgent need, with the consent of the Bundesrat and of the majority of the members of the Bundestag.

ARTICLE 88. The Federation establishes a note-issuing and currency bank as the federal bank.

ARTICLE 89. (1) The Federation is the owner of the former Reich waterways.

(2) The Federation administers the federal waterways through its own authorities. It exercises the public functions relating to inland shipping which extend beyond the territory of one state and those relating to maritime shipping which are conferred on it by law. Upon request, the Federation may transfer the administration of federal waterways, insofar as they lie within the territory of one state, to this state as an agent. If a waterway touches the territories of several states, the Federation may designate as its agent one state if so requested by the states concerned.

(3) In the administration, development and new construction of waterways the needs of soil cultivation and of regulating water supply shall be safeguarded in agreement with the states.

ARTICLE 90. (1) The Federation is the owner of the former *Reich* motor roads and *Reich* highways.

(2) The states, or such self-governing bodies-corporate as are competent under state law, administer as agents of the Federation the federal motor roads and other federal highways used for long-distance traffic.

(3) At the request of a state, the Federation may take under direct federal administration federal motor roads and other federal highways used for long-distance traffic, insofar as they lie within the territory of that state.

ARTICLE 91. (1) In order to avert any imminent danger to the existence or to the free democratic basic order of the Federation or of a state, a state may request the services of the police forces of other states.

(2) If the state in which the danger is imminent is not itself willing or able to fight the danger, the Federal Government may place the police in that state and the police forces of other states under its own instructions. The order for this shall be rescinded after the danger is past, or else at any time on the demand of the Bundesrat.

IX. *The Administration of Justice*

ARTICLE 92. The judicial authority is vested in the judges; it is exercised by the Federal Constitutional Court, by the Supreme Federal Court, by the federal courts provided for in this Basic Law and by the courts of the states.

ARTICLE 93. (1) The Federal Constitutional Court decides:

1. on the interpretation of this Basic Law in the event of disputes concerning the extent of the rights and duties of a supreme federal organ or of other parties concerned who have been

endowed with independent rights by this Basic Law or by rules of procedure of a supreme federal organ;

2. in case of differences of opinion or doubts on the formal and material compatibility of federal law or state law with this Basic Law, or on the compatibility of state law with other federal law, at the request of the Federal Government, of a state government or of one third of the Bundestag members;
3. in case of differences of opinion on the rights and duties of the Federation and the states, particularly in the execution of federal law by the states and in the exercise of federal supervision;
4. on other disputes of public law between the Federation and the states, between different states or within a state, unless recourse to another court exists;
5. in the other cases provided for in this Basic Law.

(2) The Federal Constitutional Court shall also act in such cases as are otherwise assigned to it by federal law.

ARTICLE 94. (1) The Federal Constitutional Court consists of federal judges and other members. Half of the members of the Federal Constitutional Court are elected by the Bundestag and half by the Bundesrat. They may not belong to the Bundestag, the Bundesrat, the Federal Government or the corresponding organs of a state.

(2) Its constitution and procedure will be regulated by a federal law, which will specify in what cases its decisions shall have the force of law.

ARTICLE 95. (1) To preserve the uniformity of application of federal law a Supreme Federal Court will be established.

(2) The Supreme Federal Court decides cases in which the decision is of fundamental importance for the uniformity of the administration of justice by the higher federal courts.

(3) The judges of the Supreme Federal Court are selected jointly by the Federal Minister of Justice and a committee for the selection of judges consisting of the State Ministers of Justice and an equal number of members elected by the Bundestag.

(4) In other respects, the constitution of the Supreme Federal Court and its procedure will be regulated by federal legislation.

ARTICLE 96. (1) Higher federal courts shall be established for the fields of ordinary, administrative, finance, labor and social jurisdiction.

(2) Article 95, paragraph 3, applies to the judges of the higher federal courts, provided that the Ministers competent for the particular matter take the place of the Federal Minister of Justice and the State Ministers of Justice. The terms of service of these judges shall be regulated by special federal legislation.

(3) The Federation may establish federal disciplinary courts for disciplinary proceedings against federal civil servants and federal judges.

ARTICLE 97. (1) The judges are independent and subject only to the law.

(2) Judges appointed permanently on a full time basis to an established post can, against their will, be dismissed, or permanently or temporarily suspended from office, or transferred to another post, or retired before expiration of their term of office only under authority of a judicial decision and only on grounds and in the form provided for by law. Legislation may set age limits for the retirement of judges appointed for life. In the event of changes in the structure of the courts or their areas of jurisdiction, judges may be transferred to another court or removed from their office, provided they retain their full salary.

ARTICLE 98. (1) The legal status of the federal judges shall be regulated by a special federal law.

(2) If a federal judge, in his official capacity or unofficially, infringes upon the principles of the Basic Law or the constitutional order of a state, the Federal Constitutional Court may decide by a two-thirds majority, upon the request of the Bundestag, that the judge be transferred to another office or placed on the retired list. In a case of an intentional infringement, his dismissal may be ordered.

(3) The legal status of the judges in the states shall be regulated by special state laws. The Federation may enact general rules.

(4) The states may provide that the State Minister of Justice together with a committee for the selection of judges shall decide on the appointment of judges in the states.

(5) The states may, with respect to state judges, enact provisions corresponding with paragraph 2. Existing state constitutional law remains unaffected. The decision in a case of impeachment of a judge rests with the Federal Constitutional Court.

ARTICLE 99. The decision on constitutional disputes within a state may be assigned by a state law to the Federal Constitutional Court, and the decision of last instance in matters involving the application of state law, to the higher federal courts.

ARTICLE 100. (1) If a court considers a law unconstitutional, the validity of which is relevant to its decision, the proceedings shall be stayed, and a decision shall be obtained from the state court competent for constitutional disputes if the matter concerns the violation of the constitution of a state, or from the Federal Constitutional Court if the matter concerns a violation of the Basic Law. This also

applies if the matter concerns the violation of this Basic Law by state law or the incompatibility of a state law with a federal law.

(2) If, in the course of litigation, doubt exists whether a rule of public international law forms part of the federal law and whether such rule directly creates rights and duties for the individual (Article 25), the court shall obtain the decision of the Federal Constitutional Court.

(3) If the constitutional court of a state, in interpreting the Basic Law, intends to deviate from a decision of the Federal Constitutional Court or of the constitutional court of another state, it must obtain the decision of the Federal Constitutional Court; if, in interpreting other federal law, it intends to deviate from the decision of the Supreme Federal Court or a higher federal court, it must obtain the decision of the Supreme Federal Court.

ARTICLE 101. (1) Extraordinary courts are inadmissible. No one may be removed from the jurisdiction of his lawful judge.

(2) Courts for special fields may be established only by a law.

ARTICLE 102. Capital punishment is abolished.

ARTICLE 103. (1) In the courts everyone is entitled to a hearing in accordance with the law.

(2) An act can be punished only if it was a punishable offense by law before the act was committed.

(3) No one may be punished for the same act more than once in pursuance of general penal legislation.

ARTICLE 104. (1) The freedom of the individual may be restricted only on the basis of a formal law and only with due regard to the forms prescribed therein. Detained persons may be subjected neither to mental nor to physical ill-treatment.

(2) Only judges may decide on admissibility or extension of a deprivation of liberty. Where such deprivation is not based on the order of a judge, a judicial decision must be obtained without delay. The police may hold no one on their own authority in their own custody longer than the end of the day after the arrest. Details shall be regulated by legislation.

(3) Any person provisionally detained on suspicion of having committed a punishable offense must be brought before a judge at the latest on the day following the arrest; the judge shall inform him of the reasons for the detention, examine him and give him an opportunity to raise objections. The judge must, without delay, either issue a warrant of arrest setting forth the reasons therefor or order the release from detention.

(4) A relative of the person detained or a person enjoying his con-

fidence must be notified without delay of any judicial decision ordering or extending a deprivation of liberty.

X. Finance

ARTICLE 105. (1) The Federation has the exclusive power to legislate on customs and fiscal monopolies.

(2) The Federation has concurrent power to legislate on:

1. excise taxes and taxes on transactions, with the exception of taxes with localized application, in particular of the taxes on the acquisition of real estate, on increments in value, and for fire protection;
2. taxes on income, on property, on inheritances and on donations;
3. taxes on real estate and businesses, with the exception of the fixing of the tax rates,

if it claims the taxes in whole or in part to cover federal expenditure or if the conditions laid down in Article 72, paragraph 2, exist.

(3) Federal laws relating to taxes the yield of which accrues in whole or in part to the states or the communities (community associations) require the consent of the Bundesrat.

ARTICLE 106. (1) Customs duties, the yield of monopolies, the excise taxes with the exception of the beer tax, the transportation tax, the turnover tax and capital levies for non-recurrent purposes accrue to the Federation.

(2) The beer tax, the taxes on transactions with the exception of the transportation tax and turnover tax, the income and corporation taxes, the property tax, the inheritance tax, the taxes on real estate and on businesses, and the taxes with localized application accrue to the states and, as provided by state legislation, to the communities and community associations.

(3) The Federation may, by a federal law which requires the consent of the Bundesrat, claim a part of the income and corporation taxes to cover its expenditures not covered by other revenues, in particular to cover subsidies which are to be granted to states to meet expenditures in the fields of education, public health and welfare.

(4) In order to secure the financial capacity also of the states with low tax revenues and to equalize among the states a differing burden of expenditure, the Federation may grant subsidies and take the funds for these from specified taxes accruing to the states. A federal law which requires the consent of the Bundesrat determines which taxes will be utilized for this purpose, and in what amounts and according

to which scale the subsidies will be distributed among the states entitled to equalization; the subsidies shall be remitted direct to the states.

ARTICLE 107. The final distribution, as between the Federation and the states, of the taxes subject to concurrent legislative powers shall be effected not later than December 31, 1952 * by means of a federal law which requires the consent of the Bundesrat. This does not apply to the taxes on real estate and on businesses and the taxes with localized application. Each party shall be allowed a legal claim to specified taxes or portions of taxes according to its tasks.

ARTICLE 108. (1) Customs, fiscal monopolies, the excise taxes subject to concurrent legislative powers, the transportation tax, the turnover tax and the non-recurrent capital levies are administered by federal finance authorities. The organization of these authorities and the procedure to be applied by them will be regulated by federal law. The heads of the authorities at intermediate level shall be appointed after consultation of the state governments. The Federation may transfer the administration of non-recurrent capital levies to the state finance authorities as its agents.

(2) If the Federation claims part of the income and corporation taxes for itself, it is entitled to administer them to that extent; it may, however, transfer the administration to the state finance authorities as its agents.

(3) The remaining taxes are administered by state finance authorities. The Federation may, by federal laws which require the consent of the Bundesrat, regulate the organization of these authorities, the procedure to be applied by them and the uniform training of the civil servants. The heads of the authorities at intermediate level shall be appointed in agreement with the Federal Government. The administration of the taxes accruing to the communities (community associations) may be transferred by the states in whole or in part to the communities (community associations).

(4) Insofar as taxes accrue to the Federation, the state finance authorities act as agents of the Federation. The states are liable to the extent of their revenues for an orderly administration of such taxes; the Federal Minister of Finance may supervise the orderly administration, acting through authorized federal agents who have a right to give instructions to the authorities at intermediate and lower levels.

(5) The jurisdiction of finance courts will be uniformly regulated by federal law.

(6) The general administrative rules will be issued by the Federal

* Amended as of April 21, 1953. See Appendix.

Government and, insofar as the administration is incumbent upon the state finance authorities, will require the consent of the Bundesrat.

ARTICLE 109. The Federation and the states are autonomous and independent of each other as regards their budgets.

ARTICLE 110. (1) All revenues and expenditures of the Federation must be estimated for each fiscal year and included in the budget.

(2) The budget shall be established by a law before the beginning of the fiscal year. It must be balanced as regards revenue and expenditure. Expenditures will as a rule be authorized for one year; in special cases, they may be authorized for a longer period. Otherwise no provisions may be inserted in the federal budget law which extend beyond the fiscal year or which do not relate to the revenues and expenditures of the Federation or its administration.

(3) The assets and liabilities shall be set forth in an appendix to the budget.

(4) In the cases of commercially operated enterprises of the Federation the individual receipts and expenditures need not be included in the budget, but only the final balance.

ARTICLE 111. (1) If, by the end of a fiscal year, the budget for the following year has not been established by a law, the Federal Government may, until such law comes into force, make all payments which are necessary:

- (a) to maintain institutions existing by law and to carry out measures authorized by law;
- (b) to meet legal obligations of the Federation;
- (c) to continue building projects, procurements and other services or to continue the grant of subsidies for these purposes, provided amounts have already been authorized in the budget of a previous year.

(2) Insofar as revenues provided by special legislation and derived from taxes, levies, or other sources, or the working capital reserves, do not cover the expenditures set forth in paragraph 1, the Federal Government may borrow the funds necessary for the conduct of current operations to a maximum of one quarter of the total amount of the previous budget.

ARTICLE 112. Expenditures in excess of budget items and extraordinary expenditures require the consent of the Federal Minister of Finance. The consent may only be given if there exists an unforeseen and compelling necessity.

ARTICLE 113. Decisions of the Bundestag and of the Bundesrat which increase the budget expenditure proposed by the Federal Gov-

ernment or involve new expenditure or will cause new expenditure in the future, require the consent of the Federal Government.

ARTICLE 114. (1) The Federal Minister of Finance must submit annually to the Bundestag and to the Bundesrat an account of all revenues and expenditures as well as assets and liabilities.

(2) This account shall be audited by an Audit Office, the members of which shall enjoy judicial independence. The general account and a summary of the assets and liabilities shall be submitted to the Bundestag and the Bundesrat in the course of the following fiscal year together with the comments of the Audit Office in order to secure a discharge for the Federal Government. The audit of accounts will be regulated by a federal law.

ARTICLE 115. Funds may be obtained by borrowing only in case of extraordinary need and as a rule only for expenditure for productive purposes and only pursuant to a federal law. The granting of credits and the provision of security by the Federation the effect of which extends beyond the fiscal year may take place only pursuant to a federal law. The amount of the credit, or the extent of the obligation for which the Federation assumes liability, must be fixed in the law.

XI. *Transitional and Concluding Provisions*

ARTICLE 116. (1) Unless otherwise provided by law, a German within the meaning of this Basic Law is a person who possesses German citizenship or who has been admitted to the territory of the German Reich, as it existed on December 31, 1937, as a refugee or expellee of German stock or as the spouse or descendant of such person.

(2) Former German citizens who, between January 30, 1933 and May 8, 1945, were deprived of their citizenship for political, racial or religious reasons, and their descendants, shall be regranted German citizenship on application. They are considered as not having been deprived of their German citizenship if they have established their domicile in Germany after May 8, 1945, and have not expressed a contrary intention.

ARTICLE 117. (1) Law which conflicts with Article 3, paragraph 2, remains in force until adapted to this provision of the Basic Law, but not beyond March 31, 1953.

(2) Laws which restrict the right of freedom of movement in view

of the present housing shortage remain in force until repealed by federal legislation.

ARTICLE 118. The reorganization of the territory comprising the states of Baden, Württemberg-Baden and Württemberg-Hohenzollern may be effected notwithstanding the provisions of Article 29, by agreement between the states concerned. If no agreement is reached, the reorganization will be regulated by a federal law which must provide for a referendum.

ARTICLE 119. In matters relating to refugees and expellees, in particular as regards their distribution among the states, the Federal Government may, with the consent of the Bundesrat, issue ordinances having the force of law, pending settlement of the matter by federal legislation. The Federal Government may in this matter be authorized to issue individual instructions for particular cases. Except where there is danger in delay, the instructions shall be addressed to the highest state authorities.

ARTICLE 120. (1) The Federation bears the expenditure for occupation costs and the other internal and external burdens caused as a consequence of the war, as provided for in detail by a federal law, and the subsidies towards the burdens of social insurance, including unemployment insurance and public assistance for the unemployed.

(2) The revenues are transferred to the Federation at the same time as the Federation assumes responsibility for the expenditures.

ARTICLE 120a *

ARTICLE 121. Within the meaning of this Basic Law, a majority of the members of the Bundestag and of the Federal Convention is the majority of the number of their members established by law.

ARTICLE 122. (1) From the time of the first meeting of the Bundestag, laws shall be passed exclusively by the legislative organs recognized in this Basic Law.

(2) Legislative bodies and bodies participating in legislation in an advisory capacity whose competence ends by virtue of paragraph 1 are dissolved from that date.

ARTICLE 123. (1) Law in force before the first meeting of the Bundestag remains in force, insofar as it does not conflict with the Basic Law.

(2) Subject to all rights and objections of the interested parties, the state treaties concluded by the German *Reich* concerning matters for which, under this Basic Law, state legislation is competent, remain in force, if they are and continue to be valid in accordance with

* Inserted as of August 14, 1952. See Appendix.

general principles of law, until new state treaties are concluded by the agencies competent under this Basic Law, or until they are in any other way terminated pursuant to their provisions.

ARTICLE 124. Law affecting matters within the exclusive power to legislate of the Federation becomes federal law wherever it is applicable.

ARTICLE 125. Law affecting matters within the concurrent power to legislate of the Federation becomes federal law wherever it is applicable:

1. Insofar as it applies uniformly within one or more zones of occupation;
2. insofar as it is law by which former *Reich* law has been amended after May 8, 1945.

ARTICLE 126. The Federal Constitutional Court decides disputes regarding the continuance of law as federal law.

ARTICLE 127. Within one year of the promulgation of this Basic Law the Federal Government may, with the consent of the governments of the states concerned, extend to the states of Baden, Greater Berlin, Rhineland-Palatinate and Württemberg-Hohenzollern any legislation of the Bizonal Economic Administration, insofar as it continues to be in force as federal law under Articles 124 or 125.

ARTICLE 128. Insofar as law continuing in force provides for powers to give instructions within the meaning of Article 84, paragraph 5, these powers remain in existence until otherwise provided by law.

ARTICLE 129. (1) Insofar as legal provisions which continue in force as federal law contain an authorization to issue ordinances having the force of law or general administrative rules or to perform administrative acts, the authorization passes to the agencies henceforth competent in the matter. In cases of doubt, the Federal Government will decide in agreement with the Bundesrat; the decision must be published.

(2) Insofar as legal provisions which continue in force as state law contain such an authorization, it will be exercised by the agencies competent under state law.

(3) Insofar as legal provision within the meaning of paragraphs 1 and 2 authorize their amendment or supplementation or the issue of legal provisions in place of laws, these authorizations have expired.

(4) The provisions of paragraphs 1 and 2 apply *mutatis mutandis* whenever legal provisions refer to regulations no longer valid or to institutions no longer in existence.

ARTICLE 130. (1) Administrative agencies and other institutions

which serve the public administration or the administration of justice and are not based on state law or treaties between states, as well as the Association of Management of Southwest German Railroads and the Administrative Council for the Postal Services and Telecommunications of the French Zone of Occupation are placed under the Federal Government. The Federal Government provides with the consent of the Bundesrat for their transfer, dissolution or liquidation.

(2) The highest disciplinary superior of the personnel of these administrations and institutions is the appropriate Federal Minister.

(3) Bodies-corporate and institutions of public law not directly under a state, and not based on treaties between states, are under the supervision of the appropriate highest federal authority.

ARTICLE 131. Federal legislation shall regulate the legal status of persons, including refugees and expellees, who, on May 8, 1945, were employed in the public service, have left the service for reasons other than those arising from civil service regulations or collective agreement rules, and have not until now been employed or are employed in a position not corresponding to their former one. The same applies *mutatis mutandis* to persons, including refugees and expellees, who, on May 8, 1945, were entitled to a pension or other assistance and who no longer receive any assistance or any commensurate assistance for reasons other than those arising from civil service regulations or collective agreement rules. Until the federal law comes into force, no legal claims can be made, unless otherwise provided by state legislation.

ARTICLE 132. (1) Civil servants and judges who, when the Basic Law comes into force, are appointed for life, may, within six months after the first meeting of the Bundestag, be placed on the retired list or waiting list or be transferred to another office with lower remuneration, if they lack the personal or professional aptitude for their office. This provision applies *mutatis mutandis* also to salaried employees whose service cannot be terminated by notice. In the case of salaried employees whose service can be terminated by notice, periods of notice in excess of the periods fixed by collective agreement rules may be canceled within the same period.

(2) This provision does not apply to members of the public service who are not affected by the provisions regarding the liberation from National Socialism and Militarism or who are recognized victims of National Socialism, unless there exists an important reason with respect to their personality.

(3) Those affected may have recourse to the courts in accordance with Article 19, paragraph 4.

(4) Details will be regulated by an ordinance of the Federal Government which requires the consent of the Bundesrat.

ARTICLE 133. The Federation succeeds to the rights and obligations of the Bizonal Economic Administration.

ARTICLE 134. (1) *Reich* property becomes in principle federal property.

(2) Insofar as the property was originally intended to be used predominantly for administrative tasks which, under this Basic Law, are not administrative tasks of the Federation, it shall be transferred without compensation to the authorities now charged with such tasks, and to the states insofar as it is being used at present, and not merely temporarily, for administrative tasks which under the Basic Law are now within the administrative functions of the states. The Federation may also transfer other property to the states.

(3) Property which was placed at the disposal of the *Reich* by the states and communities (associations of communities) without compensation shall again become the property of the states and communities (community associations), insofar as it is not required by the Federation for its own administrative tasks.

(4) Details will be regulated by a federal law which requires the consent of the Bundesrat.

ARTICLE 135. (1) If after May 8, 1945, and before the coming into force of this Basic Law an area has passed from one state to another, the state to which the area now belongs is entitled to the property located therein of the state to which it formerly belonged.

(2) Property of states and other bodies-corporate and institutions under public law, which no longer exist, passes, insofar as it was originally intended to be used predominantly for administrative tasks or is being used at present, and not merely temporarily, predominantly for administrative tasks, to the state or the body-corporate or institution under public law which now discharges these tasks.

(3) Real estate of states which no longer exist, including appurtenances, passes to the state within which it is located insofar as it is not included among property within the meaning of paragraph 1.

(4) If an overriding interest of the Federation or the particular interest of an area so requires, a settlement deviating from paragraphs 1 to 3 may be effected by federal law.

(5) For the rest, the succession in law and the settlement of the property, insofar as it has not been effected before January 1, 1952, by agreement between the states or bodies-corporate or institutions under public law concerned, will be regulated by a federal law which requires the consent of the Bundesrat.

(6) Interests of the former state of Prussia in enterprises under private law pass to the Federation. A federal law, which may also deviate from this provision, will regulate details.

(7) Insofar as, on the coming into force of the Basic Law, property which would fall to a state or a body-corporate or institution under public law pursuant to paragraphs 1 to 3 had been disposed of through or under authority of a state law or in any other manner by the party thus entitled, the passing of the property is deemed to have taken place before such disposition.

ARTICLE 136. (1) The Bundesrat assembles for the first time on the day of the first meeting of the Bundestag.

(2) Until the election of the first Federal President his powers will be exercised by the President of the Bundesrat. He has not the right to dissolve the Bundestag.

ARTICLE 137. (1) The right of civil servants, of salaried employees of the public services and of judges to stand for election in the Federation, in the states and in the communities may be restricted by legislation.

(2) The Electoral Law to be adopted by the Parliamentary Council applies to the election of the first Bundestag, of the first Federal Convention and of the first Federal President of the Federal Republic.

(3) The function of the Federal Constitutional Court pursuant to Article 41, paragraph 2, shall, pending its establishment, be exercised by the German High Court for the Combined Economic Area, which shall decide in accordance with its rules of procedure.

ARTICLE 138. Changes in the rules relating to notaries as they now exist in the states of Baden, Bavaria, Württemberg-Baden and Württemberg-Hozenzollern, require the consent of the governments of these states.

ARTICLE 139. The provisions of law enacted for the liberation of the German people from National Socialism and Militarism are not affected by the provisions of this Basic Law.

ARTICLE 140. The provisions of Articles 136, 137, 138, 139 and 141 of the German Constitution of August 11, 1919, are an integral part of this Basic Law.*

ARTICLE 141. Article 7, paragraph 3, first sentence, has no application in a state in which different provisions of state law were in force on January 1, 1949.

ARTICLE 142. Notwithstanding the provision of Article 31, such

* See Appendix.

provisions of State Constitutions as guarantee basic rights in conformity with Articles 1 to 18 of this Basic Law also remain in force.

ARTICLE 142a.*

ARTICLE 143.† (1) Whoever by force or the threat of force changes the constitutional order of the Federation or of a state, deprives the Federal President of the powers accorded to him by this Basic Law or who by force or the threat of danger compels him to exercise his powers in a specific manner or not at all, or prevents the exercise of his powers, or deprives the Federation or a state of a territory belonging to them shall be condemned to penal servitude for life or not less than ten years.

(2) Whoever publicly incites to an action within the meaning of paragraph 1, or plots or otherwise arranges such an action in connivance with another person, shall be condemned to penal servitude up to ten years.

(3) In less serious cases, a sentence of not less than two years' penal servitude in the cases provided for in paragraph 1, and of not less than one year's imprisonment in the cases provided for in paragraph 2, may be imposed.

(4) Whoever of his own free will gives up his activity or, in case of participation of several persons, prevents a conspiracy, may not be punished in accordance with the provisions of paragraphs 1 to 3.

(5) Insofar as the action is directed exclusively against the constitutional order of a state, the highest court of the state shall, in the absence of any other regulation in state law, be competent to pass judgment. Otherwise the superior court, in the district of which the first Federal Government chooses its seat, shall be competent.

(6) The aforementioned provisions shall be valid pending another regulation by federal law.

ARTICLE 144. (1) This Basic Law requires ratification by the representative assemblies in two thirds of the German states in which it is for the time being to apply.

(2) Insofar as the application of this Basic Law is subject to restrictions in any state listed in Article 23 or in any part of such state, the state or the part thereof has the right to send representatives to the Bundestag in accordance with Article 38 and to the Bundesrat in accordance with Article 50.

ARTICLE 145. (1) The Parliamentary Council shall vote in public session, with the participation of the representatives of Greater

* Inserted as of March 27, 1954. See Appendix.

† Invalidated as of August 31, 1951. See Appendix.

Berlin, the ratification of this Basic Law and shall sign and promulgate it.

(2) This Basic Law shall come into force at the end of the day of promulgation.

(3) It shall be published in the *Federal Gazette*.

ARTICLE 146. This Basic Law shall cease to be in force on the day on which a constitution adopted by a free decision of the German people comes into force.

Bonn on Rhine, May 23, 1949.

APPENDIX

Amendments

ARTICLE 73. 1. Foreign affairs as well as defense, including both military service for males over eighteen years and the protection of the civilian population.

(According to Allied High Commission Decision No. 29 of March 25, 1954, this amendment will only become effective upon the entry into force of the Bonn and Paris treaties.)

(*Federal Gazette*, 1954, Vol. I, p. 45)

ARTICLE 79. With respect to international treaties the subject of which is a peace settlement, the preparation of a peace settlement or the abolition of an occupation regime, or which are designed to serve the defense of the Federal Republic, it shall be sufficient, for the purpose of a clarifying interpretation to the effect that the provisions of the Basic Law are not contrary to the conclusion and entry into force of such treaties, to effect a supplementation of the text of the Basic Law confined to this clarifying interpretation.

(*Federal Gazette*, 1954, Vol. I, p. 45)

ARTICLE 107.

Amended as of April 21, 1953, to read "1954," and as of December 26, 1954, to read "1955." (*Federal Gazette*, 1953, Vol. I, p. 130, and 1954, Vol I, p. 157)

ARTICLE 120a. (1) Laws concerning the implementation of the Equalization of Burdens may, with the consent of the Bundesrat, stipulate that in the field of equalization benefits, they shall be executed partly by the Federation and partly by the states acting as agents of the Federation, and that the relevant powers vested in the Federal Government and the competent highest federal authorities by virtue of Article 85, shall be wholly or partly delegated to the Federal Equalization Office. In the exercise of these powers the Federal Equalization Office shall not require the consent of the Bundesrat; with the exception of urgent cases, its instructions shall be given to the highest state authorities (State Equalization Offices).

(2) The provision of Article 87, paragraph 3, second sentence, shall not be affected hereby.

(*Federal Gazette*, 1952, Vol. I, p. 445)

ARTICLE 140.

The following five articles from the German [Weimar] Constitution of August 11, 1919, are incorporated into the Basic Law:

Article 136. Civil and political rights and duties are neither dependent upon nor restricted by the practice of religious freedom.

The enjoyment of civil and political rights, as well as admission to official posts, is independent of religious creed.

No one is bound to disclose his religious convictions. The authorities have the right to make enquiries as to membership of a religious body only when rights and duties depend upon it, or when the collection of statistics ordered by law requires it.

No one may be compelled to take part in any ecclesiastical act or ceremony, or the use of any religious form of oath.

Article 137. There is no state church.

Freedom of association is guaranteed to religious bodies. There are no restrictions as to the union of religious bodies within the territory of the Federation.

Each religious body regulates and administers its affairs independently within the limits of general laws. It appoints its officials without the cooperation of the state, or of the civil community.

Religious bodies acquire legal rights in accordance with the general regulations of the civil code.

Religious bodies remain corporations with public rights in so far as they have been so up to the present.

Equal rights shall be granted to other religious bodies upon application, if their constitution and the number of their members offer a guarantee of permanency.

When several such religious bodies holding public rights combine to form one union this union becomes a corporation of a similar class.

Religious bodies forming corporations with public rights are entitled to levy taxes on the basis of the civil tax-rolls, in accordance with the provisions of state law.

Associations adopting as their work the common encouragement of a world-philosophy shall be placed upon an equal footing with religious bodies.

So far as the execution of these provisions may require further regulation, this is the duty of the state Legislatures.

Article 138. State connections with religious bodies, depending

upon law, agreement or special legal titles, are dissolved by state legislation. The principle for such action shall be laid down by the Federal Government.

Ownership and other rights of religious bodies and unions to their institutions, foundations and other properties devoted to purposes of public worship, education or charity, are guaranteed.

Article 139. Sundays and holidays recognized by the state shall remain under legal protection as days of rest from work and for the promotion of spiritual purposes.

Article 141. Religious bodies shall have the right of entry for religious purposes into the army, hospitals, prisons, or other public institutions, so far as is necessary for the arrangement of public worship or the exercise of pastoral offices, but every form of compulsion must be avoided.

(Translation from *British and Foreign State Papers*, 1919, Vol. 112, compiled and edited by Edward Parkes, His Majesty's Stationery Office, London, 1922.)

ARTICLE 142a. The provisions of this Basic Law are not contrary to the conclusion and entry into force of the treaties signed in Bonn and Paris on May 26 and 27, 1952 (Treaty on Relations between the Federal Republic of Germany and the Three Powers and Treaty establishing a European Defense Community), with their related and additional conventions, especially the Protocol of July 26, 1952.

(*Federal Gazette*, 1954, Vol. I, p 45)

ARTICLE 143.

This article has been replaced by the so-called *Modification of the Criminal Code* of August 30, 1951, which was inserted into the German Criminal Code (*Federal Statute*, Part I, 1951, No. 43, published in Bonn, August 31, 1951.).

The law deals with high treason, endangering the security of the state, and treason.

163 Constitution of East Germany, 1949

The Soviet Union countered the development of the Bonn Republic by the creation of a German state in the east. Containing 27 per cent of Germany's population and 31 per cent of its area, East Germany became in effect a satellite state of the Soviet Union.

The constitution of the "German Democratic Republic," worked out by the German People's Council, passed by it on March 19, 1949, and confirmed by the Soviet-sponsored Third German People's Congress on May 30, 1949, was put into effect by a Law of the Provisional People's Chamber on October 7, 1949. It is an extraordinary document. To the casual observer who takes its provisions at face value, it would seem that this constitution forms the basis of a truly democratic government. But, in effect, it institutionalizes, in ultra-democratic window-dressing, the exercise of political power by its Communist creators. In the words of Karl Loewenstein, "the Weimar blueprint is converted, with an almost diabolical subtlety, to that type of parliamentary supremacy or assembly government which, under Russian inspiration, is favored by other 'People's Democracies' in the Soviet orbit." *

Behind the elaborate façade and Orwellian doublespeak are the denial of basic rights, the exploitation, and the familiar trappings of a police state. Rights apparently guaranteed by this constitution are qualified by ambiguous or vague clauses which may be restricted arbitrarily or withdrawn.

The creators of this constitution claimed that they were uninfluenced by foreign patterns, but the Soviet Constitution of 1936 looms large as a predecessor. A further claim holds that it is commensurate with German tradition and needs and that it speaks for all Germany. It is difficult, however, to reconcile the quasi-democratic language with the realities of everyday life in the East German police state.

In practice, the East German state has become a one-party state ruled by the Socialist Unity party, a party created by the forced merger of Socialists and Communists. The administration is highly centralized; there is rigid political control; labor and concentration camps exist for political opponents; contact with the West is prohibited; and a propaganda machine operates to maintain the regime. The real power in the state is exerted by Russian authorities or by those committed to the Soviet Union.

* Karl Loewenstein, "Soviet Germany: Constitution and Government," *Current History*, XXII (1952), 278.

Complete Text of the Constitution of East Germany *

Preamble

The German People, imbued with the desire to safeguard human liberty and rights, to reshape collective and economic life in accordance with the principles of social justice, to serve social progress, and to promote a secure peace and amity with all peoples, have adopted this Constitution.

A. Fundamentals of State Authority

ARTICLE 1. Germany is an indivisible democratic republic, the foundations of which are the German Lander.

The (German Democratic) Republic decides on all issues which are essential to the existence and development of the German people as a whole, all other issues being decided upon by independent action of the Länder (states).

As a rule, decisions of the Republic are carried out by the Lander.

There is only one German nationality

ARTICLE 2. The colors of the German Democratic Republic are black, red and gold.

The capital of the Republic is Berlin.

ARTICLE 3. All state authority emanates from the people.

Every citizen has the right and the duty to take part in the formation of the political life of his Gemeinde (community), Kreis (county), Land (state) and of the German Democratic Republic.

The right of co-determination takes the form of: voting in popular initiative and referendums; exercising the right to vote and standing for election; entering upon public offices in general administration and in the administration of justice.

Every citizen has the right to submit petitions to the popular representative body.

State authority must serve the welfare of the people, liberty, peace and the progress of democracy.

Those active in public service are servants of the community as a whole and not of any one party. Their activity is supervised by the popular representative body.

ARTICLE 4. All measures taken by state authority must be com-

* From *Soviet Zone Constitution and Electoral Law*, Office of the U.S. High Commissioner for Germany (U.S. Government Printing Office: Washington, 1951), pp. 5-51

patible with the principles which the Constitution has declared to be contained in state authority. Pursuant to Article 66 of this Constitution, the popular representative body is to decide on the constitutionality of such measures. Everyone has the right and the duty to resist measures contradicting enactments of the popular representative body.

Every citizen is in duty bound to act in accordance with the Constitution and to defend it against all enemies.

ARTICLE 5. The generally recognized rules of international law are binding upon state authority and every citizen.

It is the duty of state authority to maintain and cultivate amicable relations with all peoples.

No citizen may participate in belligerent actions designed to oppress any people.

B. Contents and Limits of State Authority

I. RIGHTS OF THE CITIZEN

ARTICLE 6. All citizens have equal rights before the law.

Incitement to boycott of democratic institutions or organizations, incitement to attempts upon the life of democratic politicians, the manifestation of religious and racial hatred and of hatred against other peoples, militaristic propaganda and warmongering as well as any other discriminatory acts are felonious crimes within the meaning of the Penal Code. The exercise of democratic rights within the meaning of the Constitution is not an incitement to boycott.

Whoever has been convicted of such a crime is disqualified from holding public office or a leading position in economic and cultural life. He also loses the right to vote and to stand for election.

ARTICLE 7. Men and women have equal rights.

All laws and regulations which conflict with the equality of women are abolished.

ARTICLE 8. Personal liberty, inviolability of the home, secrecy of the mail, and the right to take up residence at any place are guaranteed. State authority may restrict or revoke these freedoms only on the basis of a law applicable to all citizens.

ARTICLE 9. All the citizens have the right, within the limits of the universally applicable laws, to express their opinion freely and publicly and to hold unarmed and peaceful assemblies for that purpose. This freedom shall not be restricted by any service or employment status, and no one may be discriminated against for exercising this right.

There is no press censorship.

ARTICLE 10. No citizen may be turned over to a foreign power by extradition.

Allies shall neither be extradited nor expelled, if, outside this country, they are subject to persecution because of their struggle in support of the principles embodied in this Constitution.

Every citizen has the right to emigrate. This right may be restricted only by a law of the Republic.

ARTICLE 11. Free ethnic development of foreign-language elements of the population of the Republic is to be promoted by legislative and administrative action. In particular, they must on no account be prevented from using their native language in matters of education, internal administration and administration of justice.

ARTICLE 12. All citizens have the right to form associations or societies for purposes not conflicting with criminal law.

ARTICLE 13. Associations that, in accordance with their statutes, aim to bring about, on the basis of this Constitution, a democratic organization of public life and whose executive bodies are determined by their members, are entitled to submit nominations of candidates for election to membership in Gemeinde (community), Kreis (county) and Land (state) popular representative bodies.

Nominations for the People's Chamber may be made only by those associations which, pursuant to their statutes, aim to bring about the democratic organization of public and social life in the entire Republic and which maintain an organization throughout the territory of the Republic.

ARTICLE 14. Everyone is guaranteed the right to organize for the improvement of wages and working conditions. Any agreements and measures intended to restrict this right or impede it are unlawful and prohibited.

(Recognized) trade unions are vouchsafed the right to strike.

ARTICLE 15. (The individual's) capacity for work is protected by state authority.

The right to work is guaranteed. By means of economic control the state ensures to each citizen work and a living. Whenever suitable work cannot be found for him, he shall be provided necessary sustenance.

ARTICLE 16. Every worker is entitled to recreation, to an annual leave with pay and to being provided for in illness and old age.

Sundays, holidays and the first of May are days of rest and are protected by law.

On the principle of autonomous administration by the insured, a unitary and comprehensive social insurance system serves to maintain

the health and strength of the working population, to protect motherhood, and to provide against the economic consequences of old age, disability, unemployment and other vicissitudes of life.

ARTICLE 17. Workers and employees shall play a decisive part in the regulation of industrial production, wages, and working conditions in enterprises.

Workers and employees shall exercise these rights through trade unions and Workers Councils.

ARTICLE 18. The Republic shall establish uniform labor legislation, a uniform system of labor courts and uniform legislation for the protection of labor, in all of which the working population shall play a decisive part.

Working conditions must be such as to safeguard the health, cultural requirements and family life of the workers.

Remuneration for work must correspond to performance and must provide a worthwhile existence for the worker and those dependents entitled to his support.

Men and women, adults and juveniles, are entitled to equal pay for equal work.

Women enjoy special protection in employment relations. The laws of the Republic shall provide for institutions enabling women to coordinate their tasks as citizens and workers with their duties as wives and mothers.

Juvenile workers shall be protected against exploitation and saved from falling into moral, physical or mental neglect. Child labor is prohibited.

II. THE ECONOMIC ORDER

ARTICLE 19. Organization of economic life must conform to the principles of social justice; it must guarantee to all an existence compatible with the dignity of man.

It is incumbent upon the economy to contribute to the benefit of the whole people and to the satisfaction of its wants and to insure that everybody will obtain, in accordance with his performance, a just share in the yield of production.

Freedom (of enterprise in the) economic (field) is guaranteed to the individual within the scope of the above tasks and aims.

ARTICLE 20. Farmers, traders and craftsmen are to be given support in the development of their private initiative. Mutual aid through cooperatives is to be expanded.

ARTICLE 21. In order to secure the basic standard of living for its citizens and to promote their prosperity, the state, acting through its

legislative bodies and with the direct participation of its citizens, establishes a public economic plan. It is the task of the popular representative bodies to supervise the implementation of the plan.

ARTICLE 22. Private property is guaranteed by the Constitution. Its scope and its limitations are derived from law and from the obligations toward the welfare of the community at large.

The right of inheritance is guaranteed to the extent provided by civil law. The share of the Government in the estate is determined by law.

Intellectual work and the rights of authors, inventors, and artists enjoy protection, furtherance, and support by the Republic.

ARTICLE 23. Restrictions on private property and expropriations may be imposed only for the benefit of the general public and on a legal basis. They shall take place against reasonable compensation unless the law provides otherwise. If the amount of compensation is in dispute, recourse to the ordinary courts shall be open insofar as a law does not provide otherwise.

ARTICLE 24. Property commits to duties. Its use must not run counter to the public good.

Misuse of property with the intent of establishing an economic ascendancy to the detriment of the public good results in expropriation without compensation and transfer to the people's ownership.

Enterprises owned by war criminals and active National Socialists have been expropriated and will be transferred to the people's ownership (without compensation). The same shall apply to private enterprises offering their services to a warlike policy.

All private monopolistic formations such as cartels, syndicates, combines, trusts and similar private organizations aiming at an increase of profits through the control of production, prices and markets have been abolished and are prohibited.

Privately owned large estates with an acreage of more than one hundred hectares are dissolved and shall be redistributed without compensation.

Following the accomplishment of the above agrarian reform, ownership of their land shall be guaranteed to the farmers.

ARTICLE 25. All mineral resources, all economically exploitable natural power sources, as well as the mining, iron and steel and electric power industries serving their exploitation, are to be transferred to the people's ownership.

Until such transfer, their use will be supervised by the Länder or by the Republic insofar as the interests of the whole of Germany are involved.

ARTICLE 26. Distribution and utilization of the land shall be supervised, and each abuse thereof shall be prevented. Incremental value of landed property which has accrued without expenditure of labor or capital is to be made of use to the collectivity.

Every citizen and every family shall be assured of a healthy dwelling befitting their needs. Therein special consideration shall be given to victims of fascism, to seriously disabled persons, persons having incurred special war losses and resettlers.

Maintenance and furtherance of assured returns from agriculture will be safeguarded also by means of land planning and conservation.

ARTICLE 27. Private economic enterprises suitable for socialization may be transferred to collective ownership by law under the provisions dealing with expropriation.

The Republic, the Länder (states), the Kreise (counties) and Gemeinden (communities) may be given by law a decisive voice in the management, or otherwise, of enterprises and associations.

Economic enterprises and associations may, by legislation, be combined into autonomous organizations in order to ensure the collaboration of all working elements of the nation, to give workers and employers a share in the management, and to regulate production, manufacture, distribution, utilization, prices, as well as import and export of commodities along the principles of collective economic interests.

Consumer and buying cooperatives, profit-making cooperatives and agricultural cooperatives and their associations shall be integrated into the collective economy while preserving their statutes and characteristic features.

ARTICLE 28. Any alienation or encumbrance of landed property, productive plants or shares therein owned by the people must have the approval of the popular representative body exercising jurisdiction over the title-holding agency. Such approval requires at least a two-thirds majority of the statutory number of members.

ARTICLE 29. Property and income shall be taxed according to progressively increasing rates on the basis of social viewpoints and with particular consideration of family obligations.

Taxation must give special consideration to earned property and income.

III. FAMILY AND MOTHERHOOD

ARTICLE 30. Marriage and family are the foundations of collective life and are protected by the state.

All laws or statutory provisions by which the equal rights of men and women within the family are impaired are abrogated.

ARTICLE 31. Parents have the natural right to bring up their children in a democratic spirit which will enable them mentally and physically to become responsible individuals, and this is their supreme duty towards society.

ARTICLE 32. During maternity a woman has a rightful claim to particular protection and care by the state.

The Republic shall issue a law for the protection of mothers. Institutions are to be created to protect mother and child.

ARTICLE 33. Extra-marital birth is to be no ground for discrimination against either the child or the parents.

Any laws and statutory provisions to the contrary are abrogated.

IV. EDUCATION

ARTICLE 34. Art, science, and teaching, are free.

The state participates in their cultivation and grants them protection, especially against their abuse for purposes which are contrary to the provisions or the spirit of the Constitution.

ARTICLE 35. Every citizen has an equal right to education and to a free choice of his vocation.

Education of youth and adult education of the citizenry in intellectual or technical disciplines are provided by public institutions in all fields of national and social life.

ARTICLE 36. The Länder are responsible for the establishment of a public school system and for the practical operation of school instruction. To this effect the Republic shall issue uniform legislative provisions of a basic character. The Republic may itself establish public educational institutions.

The Republic shall issue uniform provisions for the training of teachers. Such training shall take place in the universities or institutions of equal status.

ARTICLE 37. The school educates the youth in the spirit of the Constitution to be independently thinking and responsibly acting individuals who will be able and willing to take their place in the life of the community at large.

As conveyor of culture, the school has the task of educating the youth to be truly humane in the spirit of peaceful and amicable co-operation in the life of nations and genuine democracy.

The parents shall participate in the school education of their children by councils of parents.

ARTICLE 38. Attendance at school is compulsory for all until com-

pletion of the eighteenth year of life. After completion of a primary school course compulsory for all children, training is pursued in a vocational or technical school, in high school or in other public educational institutions. All juveniles under eighteen years of age must attend a vocational or training school unless they attend another (public) school. Private schools as substitutes for public schools (state or municipal) are inadmissible.

Vocational and technical schools afford general and vocational training.

High schools (Oberschule) pave the way for admission to a university. Such admission, however, does not require high school attendance; attendance at other public educational institutions, which shall be extended or created for that purpose, may take its place.

All citizens must be given the opportunity to prepare their admission to a university in special preparatory schools.

Members of all classes of the population shall be given an opportunity to acquire knowledge in colleges of the people without interruption of their occupational activities.

ARTICLE 39. Every child must be given the opportunity fully to develop its physical, mental and moral capacities. The school career of youth must on no account depend on the social or economic position of the parents. Indeed, children who are at a disadvantage because of social conditions are to be given special care. Attendance at vocational school, high school, and university must be open to gifted pupils from all classes of the population.

Tuition is free. Textbooks and instructional material used in compulsory schools are furnished without cost: in case of need, attendance at vocational school, high school and university will be promoted through scholarships and other measures.

ARTICLE 40. Religious instruction is a concern of the religious associations. The exercise of this right is guaranteed.

V. RELIGION AND RELIGIOUS ASSOCIATIONS

ARTICLE 41. Every citizen enjoys complete freedom of faith and conscience. The practice of religion without interference enjoys the protection of the Republic.

Any abuse of establishments created by religious associations, of religious acts or religious instruction for purposes which are contrary to the principles of the Constitution or for purposes of party politics is prohibited. However, the right of religious associations to express an attitude in keeping with their own viewpoints toward issues vital for the people shall be uncontested.

ARTICLE 42. Civil or civic rights and duties are neither conditioned nor restricted by the practice of religion.

Exercise of civil or civic rights or the admission to public service is independent of a religious creed.

No one is required to disclose his religious belief. Administrative agencies have the right to make inquiries about a person's membership in a religious association only insofar as rights and duties are connected therewith, or a statistical survey directed by law requires it.

No one may be forced to attend religious rites or celebrations, or to participate in religious exercises or to use a religious form of oath.

ARTICLE 43. There is no state church. Freedom of membership in religious associations is guaranteed.

Every religious association regulates and administers its affairs autonomously and in accordance with the laws applicable to all.

Religious associations remain public law corporations insofar as they were such heretofore. Other religious associations are granted like rights upon their application, if through their organization and the number of their members they offer a guarantee of permanency. If several such public law religious associations join in a union, this union is also a corporation of public law.

Religious associations having public law status are entitled to levy taxes upon their members on the basis of the governmental tax list according to (the standards of) the general provisions.

Associations whose function is the common cultivation of a philosophy of life have the same status as religious associations.

ARTICLE 44. The right of the church to give religious instruction on school premises is guaranteed. Religious instruction is given by personnel selected by the church. No one may be forced to give, or be prevented from giving, religious instruction. Those entitled to bring up a child shall determine whether the latter shall receive religious instruction.

ARTICLE 45. Public contributions to religious associations, which rest upon law, contract, or special legal title, shall be abrogated by legislation.

Ownership and other rights of the religious associations and religious unions, in respect of their institutions, foundations and other property devoted to purposes of worship, education and charity, are guaranteed.

ARTICLE 46. Insofar as there exists a need for religious service and spiritual guidance in hospitals, penal institutions, or other public institutions, the religious associations are to be given an opportunity for religious exercises. No person may be forced to participate.

ARTICLE 47. Any person wishing to resign from a public-law religious association and to have such resignation become legally effective, shall declare his intention before a court, or submit it in form of a publicly attested individual declaration.

ARTICLE 48. Decision as to whether children up to fourteen years of age shall belong to a religious association rests with the persons entitled to bring them up. Older children shall decide themselves whether or not they wish to be members of an association or organization professing a religious creed or a philosophy of life.

VI. EFFECTIVENESS OF BASIC RIGHTS

ARTICLE 49. A basic right may not be violated in its essential content, not even where this Constitution authorizes its restriction by law or makes its further development to (specific) legislation.

C. Organization of State Authority

I. THE POPULAR REPRESENTATIVE BODY OF THE REPUBLIC

ARTICLE 50. The supreme authority of the Republic is the People's Chamber.

ARTICLE 51. The People's Chamber is composed of the representatives of the German people.

Representatives are elected in universal, equal, direct and secret ballot for a term of four years, according to the principles of proportional representation.

Representatives serve the people as a whole. They are bound only by their own conscience and are not bound by any instructions.

ARTICLE 52. All citizens who have passed their eighteenth birthday have the right to vote.

All citizens who have passed their twenty-first birthday may stand for election.

The People's Chamber consists of four hundred representatives.

Details are determined by an Electoral Law.

ARTICLE 53. Nominations for the People's Chamber may be submitted only by associations which satisfy the provisions of Article 13, paragraph 2.

Details are determined by a law of the Republic.

ARTICLE 54. Elections are held on a Sunday or legal holiday. Freedom and secrecy of the ballot are guaranteed.

ARTICLE 55. The People's Chamber convenes not later than thirty days after election, unless it is convoked by the previous Presidium for an earlier date.

The President must convoke the People's Chamber if the Govern-

ARTICLE 62. Deliberations of the People's Chamber and of its committees are open to the public. The public may be excluded from the People's Chamber if two thirds of the representatives present so request, and from the committees on the demand of the majority of the members of such committees.

True records of public meetings of the People's Chamber or its committees do not entail any responsibility.

ARTICLE 63. The function of the People's Chamber include:
the determination of the principles of governmental policy, and of its implementation;

the confirmation, supervision, and recall of the Government;

the determination of administrative policies and supervision over all governmental agencies;

the right to legislate, except when a (popular) referendum is held;

decisions on the national budget, on the Economic Plan, on loans and credits of the Republic and the ratification of state treaties;

the granting of amnesties;

the election of the President of the Republic jointly with the Länder Chamber; and

the election and recall of the members of the Supreme Court of the Republic and of the Prosecutor General of the Republic.

ARTICLE 64. For the purpose of obtaining information, the People's Chamber or any of its committees may request the presence of the Minister President or any other Minister, their permanent deputies, or the chiefs of the administrative agencies of the Republic. The members of the Government and deputies designated by them are authorized to attend meetings of the People's Chamber and its committees at all times.

If they so request, members of the Government or their deputies must be given the floor during deliberations, regardless of the agenda.

They are subject to the disciplinary authority of the President.

ARTICLE 65. For the purpose of supervising the activities of governmental agencies the People's Chamber has the right, or, if at least one fifth of the statutory number of representatives so request, the duty, to appoint investigative committees. These committees take such evidence as they or the representatives having requested the investigation deem necessary. They may for this purpose be represented by persons commissioned by them.

Courts and administrations must comply with the request of these committees, or persons acting on their instructions, for the taking of evidence and, upon demand, present their files for inspection.

In the taking of evidence by the investigating committees the provisions of the Criminal Procedure are applied correspondingly.

ARTICLE 66. For the duration of the legislative term the People's Chamber establishes a Constitutional Committee, in which all parliamentary parties are represented according to their (numerical) strength. To this Committee shall also belong three members of the Supreme Court of the Republic as well as three German professors of constitutional law who must on no account be members of the People's Chamber.

Members of the Constitutional Committee are elected by the People's Chamber.

(Only) the Constitutional Committee reviews laws of the Republic as to their constitutionality.

Constitutionality of laws of the Republic may be challenged by not less than one third of the members of the People's Chamber, by its Presidium, by the President of the Republic, by the Government of the Republic and by the Länder Chamber.

Disputes on constitutional questions between the Republic and the Länder, and the compatibility of Land legislation and legislation of the Republic, are reviewed by the Constitutional Committee, with the assistance of three elected delegates of the Länder Chamber.

Final decision with respect to the report of the Constitutional Committee is reserved to the People's Chamber; the latter's decision is binding on everyone.

The People's Chamber also determines the execution of its decision.

The People's Chamber is, in the exercise of the administrative supervision delegated to it, responsible for determining whether an administrative measure is unconstitutional.

ARTICLE 67. No proceedings, judicial or disciplinary, may at any time be instituted against any member of the People's Chamber for his vote or for any utterance made, in the exercise of his parliamentary functions, nor may be otherwise called to account outside the Chamber. This does not apply to defamation in the meaning of the Penal Code, if it has been established to be such by an investigating committee of the People's Chamber.

Restraint of personal freedom, house searches, seizures or criminal prosecution may not be instituted against representatives except with the consent of the People's Chamber.

Any criminal proceedings against a representative of the People's Chamber, and any arrest or other restraint of his personal freedom, is suspended for the duration of the session upon demand of the Chamber of which the representative is a member.

Members of the People's Chamber have the right to refuse to give evidence concerning persons who confided facts to them in their capacity as representatives, or to whom they have entrusted facts in this capacity, as well as concerning those facts themselves. In respect to seizure of documents, they enjoy the same privileges as persons who have the legal right to refuse testimony.

No search or seizure may be conducted in the premise of the People's Chamber without the consent of the Presidium.

ARTICLE 68. Members of the People's Chamber do not require leave in order to perform their functions.

Persons standing as candidates for a seat in the People's Chamber must be granted such leave as is necessary to prepare for election.

Salaries and wages continue to be paid.

ARTICLE 69. Members in the People's Chamber receive an allowance for expenses, which is tax-exempt.

Renunciation of the allowance for expenses is inadmissible. The claim to the allowance for expenses cannot be transferred or garnished.

ARTICLE 70. Members of the People's Chamber are entitled to free travel in all public transport.

II. REPRESENTATION OF THE LÄNDER

ARTICLE 71. A Länder Chamber is established to represent the German Länder. In the Länder Chamber, each Land has one representative for every five hundred thousand inhabitants. Each Land has at least one representative.

ARTICLE 72. The representatives in the Länder Chamber are elected by the Landtage (Land legislatures) in proportion to the numerical strength of the parliamentary parties represented therein. Länder Chamber representatives will serve for the duration of the legislative term of the respective Landtag. As a rule, Länder Chamber representatives should be Landtag members.

Each Landtag ascertains the wishes of its Land on matters to be deliberated in the Länder Chamber. This does not affect the rights of the representatives, as laid down in the Land Constitutions, to follow freely the dictates of their conscience.

ARTICLE 73. The Länder Chamber elects its Presidium and adopts Rules of Procedure. The Presidium consists of the President, his deputies, and the associate members.

ARTICLE 74. The Länder Chamber is convoked by its President whenever it is necessary for the transaction of its business.

The Länder Chamber is also convoked upon the demand of one fifth of its members.

ARTICLE 75. Meetings of the Lnder Chamber are open to the public. As far as provided in the Rules of Procedure, the public may be excluded if certain items of the agenda are discussed.

ARTICLE 76. The Lnder Chamber makes its decisions by majority vote, unless the Constitution provides otherwise.

ARTICLE 77. The Lnder Chamber may set up all necessary committees as provided in the Rules of Procedure.

ARTICLE 78. The Lnder Chamber has the right to introduce bills in the People's Chamber. It has the right to reject legislation, as provided in Article 84 of this Constitution.

ARTICLE 79. Members of the Government of the Republic and of that of a Land have the right to, and upon the demand of the Lnder Chamber, are required to, take part in the deliberations of the Lnder Chamber and its committees. They must be given the floor on any matter under deliberation, if they so request.

The People's Chamber may, in special cases, delegate representatives from among their members to present the opinion of the People's Chamber to the Lnder Chamber; the Lnder Chamber has an equal right to present its opinion to the People's Chamber. The Lnder Chamber may, if need be, instruct members of the Land Government to present the attitude of their respective Governments to the People's Chamber.

ARTICLE 80. Article 67 and the subsequent articles of this Constitution concerning the rights of the People's Chamber apply correspondingly to the members of the Lnder Chamber.

III. LEGISLATION

ARTICLE 81. Laws are enacted by the People's Chamber, or directly by the people by means of a referendum.

ARTICLE 82. Bills are introduced by the Government, by the Lnder Chamber or by members of the People's Chamber. At least two readings will be held on any bill.

ARTICLE 83. The Constitution may be amended by legislation.

The People's Chamber may enact legislation to amend the Constitution only if at least two thirds of the representatives are present, and such enactments require a two-thirds majority of those present.

If an amendment to the Constitution is to be adopted by means of a (popular) referendum, the approval of a majority of those entitled to vote is required.

ARTICLE 84. The Lnder Chamber has the right to veto laws enacted by the People's Chamber. The veto must be lodged within two weeks after the final vote has been taken in the People's Chamber;

reasons for the veto must be submitted within an additional two weeks. Otherwise it is understood that the Länder Chamber will not exercise its right of veto.

The People's Chamber may override this veto by upholding its decision after renewed deliberations.

If a two-thirds majority of the Länder Chamber representatives casting their votes has decided to veto a measure, such veto can be overridden only if a two-thirds majority of the People's Chamber representatives casting their votes upholds the measure.

For the Länder Chamber to veto legislation enacted by the People's Chamber to amend the Constitution, at least two thirds of the members of the Länder Chamber must be present, and at least two thirds thereof must vote for the veto.

The People's Chamber may override the veto by upholding the amendment with the majority prescribed for amendments to the Constitution.

ARTICLE 85. The President of the People's Chamber shall engross all constitutionally enacted laws within the period of one month.

They are promulgated without delay by the President of the Republic in the *Official Gazette of the Republic*.

A law cannot be engrossed nor promulgated, if it has been declared unconstitutional within one month, as provided for in Article 66.

Unless otherwise provided, laws come into force on the fourteenth day after their promulgation.

ARTICLE 86. Engrossment and promulgation of a law are to be suspended for two months, if one third of the representatives in the People's Chamber so request.

Upon expiration of this period, the law is to be engrossed and promulgated unless a popular initiative calls for a (popular) referendum against the enactment of the law.

Laws declared urgent by the majority of the representatives in the People's Chamber must be engrossed and promulgated despite such (public) demand.

ARTICLE 87. If the promulgation of a law has been suspended at the instance of at least one third of the representatives in the People's Chamber, such law is to be submitted to a (popular) referendum upon the demand of one twentieth of those entitled to vote.

A (popular) referendum shall furthermore be held, if requested by one tenth of those entitled to vote or by recognized political parties or organized groups which can demonstrate satisfactorily that they represent one fifth of those entitled to vote (constituting popular initiative).

A popular initiative must be based on a draft law, which law is to be submitted to the People's Chamber by the Government with a statement of the Government's position with respect to this law.

A (popular) referendum will take place only if the desired law has not been adopted by the People's Chamber in a version with which the petitioners or their representations are in agreement.

A (popular) referendum shall not be held on the budget, on tax legislation or on salary schedules.

A law submitted to a (popular) referendum is considered as adopted if it has received the consent of a majority of the votes cast.

A specific law shall regulate the procedures for popular initiative and (popular) referendum.

ARTICLE 88. The budget and the economic plan are adopted by law.

Amnesties require a (specific) law.

State treaties concerning matters of legislation are to be promulgated as laws.

ARTICLE 89. Laws which have been duly promulgated cannot be reconsidered by the judiciary with respect to their constitutionality.

After the review proceedings provided for in Article 66 have been instituted, all pending court proceedings shall be suspended until the review proceedings have been completed.

ARTICLE 90. General administrative regulations required for the implementation of the laws of the Republic will be issued by the Government of the Republic, unless the law provides otherwise.

IV. THE GOVERNMENT OF THE REPUBLIC

ARTICLE 91. The Government of the Republic consists of the Minister President and the Ministers.

ARTICLE 92. The Minister President is appointed by the party with the greatest strength in the People's Chamber; he (the Minister President) forms the Government. All parties having at least forty representatives (in the People's Chamber) are represented by Ministers or State Secretaries in proportion to their strength. State Secretaries may attend meetings of the Government in any advisory capacity.

Should one parliamentary party refuse to be included, the Government will be formed without it.

Ministers should be members of the People's Chamber.

The People's Chamber approves the Government and the program submitted by it.

ARTICLE 93. On taking office, members of the Government shall

be sworn in by the President of the Republic and pledged to perform their duties impartially for the welfare of the people and in faithful observance of the Constitution and the laws.

ARTICLE 94. The Government, and each of its members, require the confidence of the People's Chamber in order to perform their function.

ARTICLE 95. The functions of the Cabinet are terminated if and when the People's Chamber passes a motion of no-confidence.

A motion of no-confidence will be voted only if at the same time a new Minister President and his program are proposed. The motion of no-confidence and these proposals will be considered in one combined vote.

A vote of no-confidence shall not be effective unless the motion is carried by at least one half (two hundred) of the statutory number of representatives.

A motion of no-confidence must be signed by at least one fourth of the members of the People's Chamber. A vote on such a motion may not be taken prior to the second day after it has been debated, and not later than one week after its presentation.

Unless the new Government takes office within twenty-one days after the motion of no-confidence has been carried, that motion shall become void.

If the new Government receives a vote of no-confidence, the People's Chamber shall be considered dissolved.

The former Government continues its functions until a new Government has taken office.

ARTICLE 96. A member of the Government who receives a vote of no-confidence from the People's Chamber must resign. Unless decided otherwise by the People's Chamber, he is to continue his functions until his successor takes office.

The provision of Article 95, paragraph 3, is applicable correspondingly.

Any member of the Government may resign at any time. Unless decided otherwise by the People's Chamber, his official function shall be performed by his deputy until a successor has been appointed.

ARTICLE 97. The Minister President presides over the Government and directs its business under Rules of Procedure to be decreed by the Government and communicated to the People's Chamber.

ARTICLE 98. The Minister President determines governmental policy in accordance with the guiding principles laid down by the People's Chamber. For this, he is responsible to the latter.

Within the framework of these guiding principles, each Minister

directs independently the department entrusted to him and is personally responsible to the People's Chamber.

ARTICLE 99. Ministers shall refer to the Government, for deliberation and decision, any matters which must be referred to it under the Constitution or the law, as well as differences of opinion with respect to matters which fall within the competence of more than one Minister.

ARTICLE 100. The Government makes decisions by majority vote. In case of a tie, the Minister President shall cast the deciding vote.

V. THE PRESIDENT OF THE REPUBLIC

ARTICLE 101. The President of the Republic is elected for a term of four years by the People's Chamber and the Länder Chamber, meeting in joint session, which is convoked and presided over by the President of the People's Chamber.

Any citizen who has reached the age of thirty-five years may stand for election.

ARTICLE 102. On assuming office, the President of the Republic takes the following oath before a joint session of the People's Chamber and the Länder Chamber: "I swear that I will dedicate my strength to the welfare of the German people, that I will defend the Constitution and the laws of the Republic, that I will discharge my duties conscientiously and do justice to all."

ARTICLE 103. The President of the Republic may be recalled before the expiration of his term by a joint resolution of the People's Chamber and the Länder Chamber. Such a resolution requires a two-thirds majority of the statutory number of representatives.

ARTICLE 104. The President of the Republic promulgates the laws of the Republic.

He receives the oath of office from the members of the Government upon their assumption of duties.

ARTICLE 105. The President of the Republic represents the Republic in international relations.

He concludes and signs treaties with foreign countries on behalf of the Republic.

He accredits and receives ambassadors and ministers.

ARTICLE 106. To become effective, all orders and decrees issued by the President of the Republic must be countersigned by the Minister President or the competent Minister.

ARTICLE 107. The President exercises the right of pardon on behalf of the Republic. In this function he is advised by a committee of the People's Chamber.

ARTICLE 108. Whenever the President of the Republic is unable to attend to his office, he is represented by the President of the People's Chamber. If such incapacity is expected to continue for a protracted period, a substitute will be appointed by a (specific) law.

Whenever the presidency is terminated prematurely, the same rule applies until the election of a new President.

VI. REPUBLIC AND LÄNDER

ARTICLE 109. Each Land must have a constitution which conforms to the principles of the Constitution of the Republic and under which the Landtag is the supreme and sole popular representative body in the Land.

The popular representative body must be elected, by all citizens entitled to do so, in universal, equal, direct and secret ballot held in accordance with the principles of proportional representation as laid down in the Electoral Law of the Republic.

ARTICLE 110. Any change in the territory of a Land and the formation of a new Land within the Republic requires a law of the Republic amending the Constitution.

Only an ordinary law (of the Republic) is required if the Länder immediately affected concur.

An ordinary law will likewise suffice, even if one of the Länder affected does not concur, provided, however, that the territorial change or the formation of a new Land is demanded by a plebiscite held in the territories concerned.

ARTICLE 111. The Republic may enact uniform legislation in any field. However, in so doing it should confine itself to laying down principles, provided this meets the need for uniform regulation.

To the extent that the Republic does not exercise its legislative power, the Länder shall have such power.

ARTICLE 112. The Republic has the exclusive right to legislate on: foreign relations; foreign trade; customs and the free movement of commodities within a unified customs and trade area; citizenship; freedom of movement; immigration and emigration; extradition; passport regulations and laws affecting the status of aliens; legislation on census and registry (marriage, divorce and status of children); civil law; criminal law; the constitution of courts and their procedure; labor law; transport; fields of postal, telecommunication, and radio broadcasting services; the fields of press and of film production, distribution and display; currency and coinage, weights, measures, standards and gauging; social insurance; and war damages, occupation costs and reparations.

ARTICLE 113. Legislation in the field of finance and taxation must be of such nature as not to infringe upon the existence of the Länder, the Kreise (counties) and Gemeinden (communities).

ARTICLE 114. Law of the whole of Germany overrides Land law.

ARTICLE 115. As a rule, the laws of the Republic are carried out by the executive agencies of the Länder, unless otherwise provided for in this Constitution or by a law. The Republic, insofar as there is a necessity, establishes its own administrative agencies by law.

ARTICLE 116. The Government of the Republic exercises supervision in those matters with respect to which the Republic has the right to legislate.

The Government of the Republic may issue general instructions where the laws of the Republic are not executed by its (own) administrative authorities. For the supervision of the execution of these laws and instructions, it is authorized to delegate commissioners to the implementing agencies. As for the powers of these commissioners, Article 65 is correspondingly applicable.

Upon the request of the Republic, the Länder governments are bound to remedy deficiencies discovered in the execution of the laws of the Republic.

Any controversies arising therefrom are to be examined and settled in accordance with the procedure specified in Article 66, paragraph 5.

VII. ADMINISTRATION OF THE REPUBLIC

ARTICLE 117. Maintenance of foreign relations is an exclusive concern of the Republic.

The Länder may conclude treaties with foreign states on matters within the competence of Land legislation; such treaties (before taking effect) are subject to the approval of the People's Chamber.

Treaties with foreign states concerning changes of national boundaries are concluded by the Republic, after the consent of the Land thereby affected has been obtained. Boundary changes may be effected only by a law of the Republic, unless a mere rectification of boundaries in uninhabited areas is involved.

ARTICLE 118. Germany forms a single customs and trade area, bounded by a common customs frontier.

Territories of foreign states or parts of such territories may be included in the German customs area by treaty or convention. Parts of the German customs area may be excluded therefrom by law.

Any goods enjoying internal free trade within the German customs area may, within the area, freely be introduced into, or carried in transit across the boundaries of, German Länder and political sub-

divisions as well as, pursuant to paragraph 2, into, or across the boundaries of, the territories of foreign states or parts of such territories included.

ARTICLE 119. Customs and such taxes as are regulated by laws of the Republic are administered by the Republic.

The power to levy taxes is, normally, vested in the Republic.

The Republic should levy taxes only to the extent required to cover its needs.

The Republic establishes its own agencies for the administration of taxes. In conjunction therewith, arrangements shall be made enabling the Länder to safeguard their special interests in the spheres of agriculture, commerce, handicrafts, trades or professions, manufacture and industry.

To the extent required for the uniform and equitable enforcement of its tax laws, the Republic shall enact legislation on the organization of tax administration in the Länder, the organization and powers of the authorities entrusted with the enforcement of the tax laws of the Republic, the settlement of accounts with the Länder, and the reimbursement for the administrative costs incurred in the enforcement of the tax laws of the Republic.

ARTICLE 120. Taxes and other levies may be assessed only as provided by law.

Property, income and excise tax legislation are to be kept at a suitable proportion to each other, and to be graduated according to social considerations.

Through sharply progressive tax rates on inheritance, the amassing of socially harmful fortunes should be prevented.

ARTICLE 121. Revenues and expenditures of the Republic must be estimated for each fiscal year and provided for in the budget. The budget is to be enacted by legislation before the beginning of the fiscal year.

ARTICLE 122. The Minister of Finance, in order to secure a discharge for the Government, gives an accounting to the People's Chamber of the revenues of the Republic and their use. The auditing of accounts is regulated by law of the Republic.

ARTICLE 123. Funds may be procured by borrowing only for extraordinary needs. Borrowing of such funds and the guaranteeing of loans as a charge of the Republic may be effected only on the basis of a law of the Republic.

ARTICLE 124. Postal, telecommunication, broadcasting and railroad services are to be administered by the Republic.

The former Reich Autobahnen (automobile-highways) and Reich

highways as well as all roads for long-distance traffic are under the control of the Republic. The same provisions apply to waterways.

ARTICLE 125. Control of merchant shipping and administration of maritime shipping, and of aids to navigation, are duties of the Republic.

VIII. ADMINISTRATION OF JUSTICE

ARTICLE 126. The ordinary administration of justice is exercised by the Supreme Court of the Republic and by courts of the Länder.

ARTICLE 127. In the exercise of their judicial function, the judges are independent and are bound only by the Constitution and the Law.

ARTICLE 128. Judges must be persons who, by their qualification and activity, offer the guarantee that they will exercise their office in accordance with the principles laid down in the Constitution.

ARTICLE 129. Through the development of law schools, the Republic provides an opportunity for members of all classes of the population to become qualified for the profession of judge, attorney and public prosecutor.

ARTICLE 130. Laymen are, as much as possible, to be used as judges.

Laymen are elected, on the proposal of democratic parties and organizations, by the competent popular representative bodies.

ARTICLE 131. Judges of the Supreme Court of the Republic, and the Prosecutor General of the Republic, are elected by the People's Chamber upon their nomination by the Government of the Republic.

Judges of the High Courts of the Länder, and the Prosecutors General of the Länder, are elected by the Landtage upon their nomination by the Land governments.

All other judges are appointed by the Land governments.

ARTICLE 132. Judges of the Supreme Court, and the Prosecutor General of the Republic, may be recalled by the People's Chamber if they violate the Constitution, or the laws, or commit a serious breach of their duties as judge or public prosecutor.

This recall is effected after hearing the report of a Committee on Justice to be established in the People's Chamber.

The Committee on Justice is composed of the chairman of the Legal Committee of the People's Chamber, three members of the People's Chamber, two members of the Supreme Court and one member of the Prosecutor General's office. It is presided over by the Chairman of the Legal Committee. The other Committee members are elected by the People's Chamber for the legislative term. The members of the Supreme Court and the Prosecutor General's office serving

on the Committee of Justice cannot be members of the People's Chamber.

Judges elected by a Landtag, or appointed by a Land government, may be recalled by the respective Landtag. Their recall will be effected after hearing the report of a Committee on Justice to be set up with the respective Landtag. The Committee on Justice is composed of the Chairman of the Legal Committee of the Landtag, three members of the Landtag, two members of the Land High Court and one member of the Prosecutor General's office of the respective Land. It is presided over by the Chairman of the Legal Committee. The other Committee members are elected by the respective Landtag for the duration of the legislative term. The members of the (Land) High Court and of the Prosecutor General's office, participating in the Committee on Justice, cannot be members of the Landtag.

Judges appointed by the Land governments may, under the same conditions, be recalled by the respective Land government, provided that the consent of the Landtag Committee on Justice has been obtained.

ARTICLE 133. All court proceedings are open to the public.

In all matters involving a threat to public safety and order, or to public morals, the court may order the public to be excluded.

ARTICLE 134. No citizen should be deprived of his right to be tried before the judge having lawful jurisdiction in the matter. Extraordinary courts are inadmissible. The legislative authorities may set up courts for special matters only if their competence is to comprise categories of persons or issues defined beforehand and in a general way.

ARTICLE 135. Only such penalties may be imposed as have been provided for by law at the time the punishable act was committed.

No penal law has retroactive force.

Exceptions to this rule are measures and the application of provisions which are adopted for the overcoming of Nazism, Fascism and militarism, or which are necessary for the prosecution of crimes against humanity.

ARTICLE 136. In cases of temporary arrest, house searches and seizures effected in the course of a preliminary investigation, the approval of a judge must be obtained without (undue) delay.

It rests with the judge alone to decide on the admissibility and continuance of an arrest. Persons arrested must be brought before a judge at the latest on the day after their apprehension. If pre-trial confinement is ordered by the judge, he must make a periodic review as to whether continued detention is justified.

The reason for the detention is to be communicated to the arrested person at his first examination by a judge and, if he so desires, within an additional twenty-four hours to a person to be named by him.

ARTICLE 137. Execution of sentences is founded on the concept of reformatory persons capable of rehabilitation through common productive work.

ARTICLE 138. Citizens are protected against unlawful administrative measures by the supervision exercised by the legislature and through recourse to administrative courts.

The structure and jurisdiction of administrative courts are regulated by law.

Principles applying to the election and recall of judges or ordinary courts apply correspondingly to the members of administrative courts.

IX. ADMINISTRATIVE AUTONOMY

ARTICLE 139. Gemeinden and Gemeindeverbände (communities and associated communities) enjoy administrative autonomy subject to the provisions of the laws of the Republic and the Länder.

Autonomy functions include determination and implementation of all policies concerning the economic, social and cultural life of the Gemeinde or Gemeindeverband. Each task is to be accomplished by the lowest (local) administrative unit qualified for this purpose.

ARTICLE 140. Gemeinden and Gemeindeverbände have representative bodies organized on democratic principles.

To assist them, committees are formed in which delegates of the democratic parties and organizations participate responsibly.

The right to vote and the procedure to be followed in (local) elections are governed by the provisions applying to elections to the People's Chamber and to the Landtage.

The right to vote may, however, by Land legislation be predicated on the length of residence in the (respective) locality for a period not to exceed half a year.

ARTICLE 141. For the due exercise of their functions, the elected executive authorities of Gemeinden and Gemeindeverbände require the confidence of the (local) representative bodies

ARTICLE 142. Supervision of the administrative autonomy practiced by Gemeinden and Gemeindeverbände is limited to a review of the statutory compliance of administrative measures and of the observance of democratic administrative principles.

ARTICLE 143. The Republic and the Länder may delegate functions, and the application of laws, to the Gemeinden and Gemeindeverbände.

X. TRANSITIONAL AND CONCLUDING PROVISIONS

ARTICLE 144. All provisions of this Constitution have direct force of law. Any provisions to the contrary are repealed herewith. Provisions superseding them and required to implement the Constitution are to take effect simultaneously with the Constitution. Existing laws are to be interpreted in the meaning of this Constitution.

Constitutional liberties and rights may not be used as arguments against past or future measures adopted for the overcoming of National Socialism and militarism, or to redress wrongs caused by them.

164 Higher Education in East Germany, 1952

Typical of the Communist coordination of East Germany was the Sovietization of higher education initiated in February, 1951, with the establishment of a Secretariat of Higher Education. A rigid system of supervision was inaugurated, strongly limiting academic initiative and preventing independent research. Dissident elements were eliminated and the students indoctrinated by means of mass organizations which controlled admissions, programs of study, and student subsidies. Admission policies discriminated against the children of upper and middle class families, while large-scale subsidies were given to students from worker and peasant backgrounds.

The following excerpts from an unclassified report of the Office of Intelligence Research of the United States Department of State indicate how the system of ideological control is designed to produce acceptance of the Communist indoctrination program among East German youth.

A U.S. Intelligence Report *

From the initial period of the occupation, East German authorities have sought to build an educational structure based on Communist

* U.S. Department of State, Office of Intelligence Research, *Higher Education in East Germany*, Unclassified Intelligence Report No. 5715 (Washington, January 30, 1952), pp. 1, 14-15.

ideology. The Central Administration for Education, established in September 1945, used the Soviet system of education for a blueprint but was forced to shelve some of its more drastic proposals for reform, in order to deal first with the problem of keeping the universities in operation. In the field of higher education, state planners desiring to equate immediate with long range goals would have liked to dismiss all non-Communist professors and replace them by SED members of unquestioned loyalty. Introduction of a Marxist-Leninist curriculum could then have been accelerated and student discipline more rigidly enforced. However, the acute teacher shortage, together with a desire to preserve intellectual contacts with West Germany, which were endangered by rapid institutional and doctrinal changes, made it necessary to retain professors who were unwilling to espouse Communism. These facts, together with student opposition during the early Occupation, forced East German authorities to postpone full-scale reform until they could work with Communist-trained instructors and a more receptive student body.

The major reforms of this initial period established the groundwork for the current education program of the East German regime. Men trained in Marxist-Leninist ideology gradually replaced those of their older colleagues who had been forced to resign or seek refuge in Western Germany. Through a system of selection established by the state, the composition of the student body was altered so as to exclude groups of potential opposition. No longer faced with emergency problems such as existed in 1945, the East German regime by early 1951 was ready to initiate a large-scale program of Sovietization in the East German universities.

To carry out this program, a Secretariat of Higher Education was established in February 1951. Under the direction of Gerhard Harig, it is proceeding with a uniform revision of curricula throughout the universities and colleges of Eastern Germany. To this primary objective has been added the policy of directing students into science and technology and increasing the contribution of professors and students alike to the Five Year Plan. . . .

The rapidly progressing Sovietization of higher education in Eastern Germany may well become a major factor in the ever-widening split between East and West Germany. While East Germany's integration into the Western intellectual community, which was interrupted during the Hitler era, is again proceeding rapidly, East German higher learning is perforce adopting Russian standards and procedures. In this wholesale process of adaptation the native tradition of German Marxism is fast retreating before the ready-made Russian

cultural overlay. To some extent this process of adaptation is facilitated by the emigration to the West of students, and especially of teaching and research personnel, with unorthodox backgrounds. While this exodus has left serious gaps in the East German universities, it has, on the other hand, facilitated the process of adopting new methods and concepts. The radical shift in student recruitment policy works in the same direction. In West Germany the continuity of the intellectual tradition not only has been preserved, but has perhaps been overemphasized, since the bulk of the student body continues to be drawn from families with academic (29 percent) or civil service (40 percent) backgrounds. With the exception of loyal followers of the regime, the old upper and middle classes in East Germany are being increasingly excluded from higher learning. While this procedure inevitably results in drastically lowering intellectual standards, it has the advantage from the viewpoint of the government of greater ease in the indoctrination of the student body. . . .

While the practical and organizational preconditions for the mass production of the new intellectual elite are fairly well established, the regime has apparently discarded the expectation that this elite could function as a spiritual bridge to West Germany. To be sure, the government is still going through the motions of emphasizing the existence of a common intellectual tradition. It still publishes bibliographies of all German publications and allows a number of historical and scientific works unrelated to SED doctrine to be published. Up to the present it has still permitted theological students to frequent West Berlin seminars and yet be ordained in East Germany. But the very nature of the task of forming a completely reliable cadre of professional people, both administrative and academic, militates against their ability to play the role of cultural missionaries to West Germany.

To what extent the East Germans themselves are able to escape the consequences of this intellectual Sovietization remains a matter of conjecture. The continuing attraction of the churches for large numbers of people and the pent-up demand for classical literature testify to the renewal of the phenomenon of the inner emigration, well known from the experience of the Third Reich. But this very comparison reveals the limited possibilities for such a withdrawal under the much more stringent conditions of a Communist regime. Anyone who becomes active in the administrative, intellectual and to a lesser extent the professional cadres of the new state will have to adopt its language and profess its principles. While this may be largely a protective screen in the case of the older generation, the educational reorganization which has been described above is designed to convert

any merely mechanical obedience into a system of fool-proof convictions and self-evident, quite uncritical attitudes.

165 Soviet Declaration of End of War with Germany, 1955

A ukase of the Presidium of the Supreme Soviet, dated January 25, 1955, ended the state of war between the Soviet Union and Germany.

Text of the Ukase, January 25, 1955 *

On June 22, 1941, as a result of the treacherous attack by Hitlerite Germany, the Soviet Union found itself in a state of war with Germany. As a result of the struggle led with great sacrifice, the Soviet people together with the people of the anti-Hitlerite coalition routed the Hitlerites and set the peoples of Europe, including the peoples of Germany, free from Hitlerite serfdom.

At Potsdam in 1945 ways to further the development of Germany as a united peace-loving democratic state were confirmed.

The Presidium of the Supreme Soviet of the U.S.S.R. finds it abnormal that, although ten years have elapsed since the end of hostilities, Germany is still split and without a peace treaty and the German people is still in an unequal position as compared with other peoples.

The Presidium of the Supreme Soviet of the U.S.S.R. states that the policy of the United States, Britain, and France directed toward the remilitarization of West Germany and its inclusion in aggressive military groupings, as expressed in the London and Paris agreements, has not permitted the reaching of the necessary agreements on the reunification of Germany on a democratic and peace-loving foundation and the conclusion of a peace treaty with Germany.

Having in view the strengthening and development of friendly relations between the Soviet Union and the German Democratic Republic on the basis of mutual respect and regard for each other's sovereignty, taking into account the views of the German Democratic

* Quoted in *Current History*, XXVIII (1955), 249-250.

Republic and the interests of both East and West Germany, the Presidium of the Supreme Soviet announces by this ukase the following:

1. The state of war between the Soviet Union and Germany is ended, and peaceful relations are established.
2. All juridical restrictions concerning German nationals who were regarded as nationals of an enemy state are declared invalid.
3. The announcement of the end of the state of war with Germany does not change Germany's international obligations and does not change the rights and obligations that the Soviet Union derives from the present international agreement of the four powers concerning Germany as a whole.

166 Economic Recovery Since World War II

In 1945 Germany was a defeated, broken country, her economy shattered, her cities in ruins, and her people bewildered and discouraged. Yet, in 1958, the West German economy had attained a recovery almost unparalleled in history. From 1951 to 1956 West German exports tripled in value, running close on those of the United States and Britain. In 1955 West Germany had a trade surplus of \$286 million, while Britain had a deficit of \$985 million. Unemployment was reduced, the currency reserve rose, and public finances, showing surpluses despite tax reductions, became the envy of Europe.

The economic recovery of West Germany is a classic case of the free-market economy operating successfully with a limited number of strategically selected controls. Economic life was carefully planned and managed by the government. To some extent this remarkable progress was due to American aid, to absence of military expenditures, and to beaver-like activity of the German people.

Economic conditions in the East German Republic, on the other hand, sank to the level of the Soviet Union. The contrast in economic progress between the two Germanies reflected in microcosm the differences between two ways of life.

The first reading below describes the Ruhr, the key to German industrial success. The second, a statement by Chancellor Konrad Adenauer, stresses West German economic ties with the West.

I The Ruhr—Industrial Heart of Europe, April 1, 1956 *

The German economic and social structure as a whole will always be conditioned by the stability of the Ruhr—the largest single industrial area in Germany and Europe. Just as Germany has always needed the Ruhr's strength, so does Europe today need its economic capacity and the industry of its five million population.

The Ruhr also represents the largest potential in the European Steel and Coal Community, comprising West Germany, France, Belgium, Holland, Luxemburg, and Italy. Thus the Ruhr's economy has outgrown its essentially German function and has taken over an important—if not the most important—role in the over-all economic integration of Europe.

This development poses a whole series of new and difficult problems to be solved by the Ruhr economy, problems which may be reduced to the proposition that no policy of Europe's economic integration has any prospect of success unless the constituent national industries have attained at least an approximately equal level of technical and economic progress in relation to each other.

Way of Life

More than two million people work directly in what we call the Ruhr economy, and this figure is multiplied several times if we take into consideration the numerous feeder industries. The Ruhr's economy is not conditioned by mining, steel, power supply, or chemicals alone. A long list of secondary industries are active in supplying technical equipment, transport, factory installations, and other needs. Here again we see how closely the Ruhr is interwoven with the whole national economy.

The Ruhr has its own way of life—underground mining for coal or standing before a blast furnace. The flash of molten iron or din of shrieking steel, the clammy air of cities, the research laboratories and business offices—this kind of life puts a particular stamp on men.

* Karl Arnold, "The Ruhr—Industrial Heart of Europe," in *The New York Times*, April 1, 1956.

But it has also given a new value to personality and a new understanding for labor as a factor in production. The most remarkable thing about the Ruhr is that all the changes in its social structure—it has been likened to a gigantic sponge which absorbs men from every province and corner of Germany—have never taken place under the pressure of political extremism.

Trade Unions

The reason for this is that not only the employers, but also the parliaments and governments of North-Rhine-Westphalia and of the Federal Republic have shown a remarkable degree of adaptability and capacity for making reasonable decisions in every phase of postwar development. The same is true of the Ruhr trade unions which until now have not demanded more than was compatible with the realities of the economic situation.

The fact that a dense population is massed within this restricted territory aggravates the Ruhr's political and social problems. The big towns, such as Herne, Gelsenkirchen, Bochum, Bottrop, and Essen are largely miners' towns. Any mass unemployment in mining would lead to serious social and political repercussions. It should be all the more appreciated, then, that the strong communist infiltration of former years does not exist today. This is due mostly to the efforts of the Industrie-Gewerkschaft Bergbau, in which more than 90 per cent of the miners are organized, and which has eliminated communist influences from its leading organizations.

Coal and the European Community

Over 93 per cent of German coal production comes from the Ruhr. The following table shows production development for the entire German Federal Republic:

	<i>Annual Production (in thousands of tons)</i>
<i>Hard Coal</i>	
1938	136,956
1945	35,484
1950	110,755
1955	130,428

In 1955, the countries of the European Coal and Steel Community produced about 250 million tons of hard coal. Germany's share of this

total, without the Saar, was over 50 per cent. France's production was less than 25 per cent, Belgium's 12 per cent, and Holland's 5 per cent. The German ratio in high-grade coke production, vital to the needs of the steel industry, is even higher.

More important, however, than present production are the available coal reserves, because they provide the basis for the future. Available reserves for all Europe are estimated by the French to amount to between 82 and 84.5 billion tons. Of this total, West Germany's share is 79.6 per cent, the Saar 9.3 per cent, France 7.8 per cent, and Belgium 3.3 per cent.

Thus, the known coal reserves of West Germany and the Saar jointly amount to 90 per cent of the total available to the European Coal and Steel Community. Not only does this represent the decisive coal basis for the Community but it constitutes the only potential capable of considerable expansion in production.

West Germany, with a share in the reserves of 79.6 per cent, for instance, contributes only 53 per cent of the Community's actual production. The Saar's share of present production (7.3 per cent) is also less than its reserves of 9.3 per cent. Belgium's share in production, on the other hand, is 13.9 per cent, contrasting with a share in the reserves of only 3.3 per cent. The disproportion is even greater in the case of France, which produces 23 per cent of the present total from a share in the reserves of only 7.8 per cent. These figures are all based on French estimates.

The Steel Industry

In 1955, Germany was once again Europe's largest user of iron and steel.

These are the comparative production figures of raw steel in thousands of tons for the entire German Federal Republic:

1938	17,900
1949	9,156
1952	15,806
1954	17,433
1955	21,330

The heart of the iron and steel industry lies in the Ruhr basin where 85 per cent of the industry's workers are employed. Germany produces well over 40 per cent of the total raw steel production of the European Coal and Steel Community. Second biggest producer is France with about 25 per cent and then Belgium with 11 per cent.

The German iron and steel industry employs about four hundred thousand workers. Another two million work in iron-and-steel consuming industries. In 1955, the annual business volume of these industries is estimated at almost 5 billion dollars, and yet hardly a single iron and steel works capable of production existed in Germany after the war. The industry is the greatest user of scrap on the continent, and most of it is of German origin, fetched out of the rubble and ruins of war.

Some of the giant German steel combines have been split up into a number of groups, some of which continue to trade under the names by which they were once internationally known. The final organization of the German coal and steel industries is not yet complete. It remains to be seen whether some of the subdivisions are permanent.

The Ruhr is not only the main production center of coal and steel. It is also its greatest user, consuming 60 per cent of Germany's iron and steel production.

Labor and Management

The Ruhr has also witnessed a postwar revolution in the traditional forms of cooperation between steel management and labor. There is now a single unified trade union and one single steel producers' association. Trade union officials sit on the works' councils, and iron and steel companies by law must have five labor representatives on their eleven-men board of directors. This is called the "Law of Co-Determination," enacted in 1951.

Any system of cooperation between management and labor worthy of the name must be designed to keep the industrial peace. German steel industry conditions may be said to be fundamentally healthy in this respect, since there has been no serious flagging of enthusiasm or industriousness among iron and steel workers since the end of the war.

II Chancellor Konrad Adenauer on German Economic Ties with the West, March 24, 1957 *

The past year has already produced a concrete achievement on the road toward a united Europe: the settlement of the Saar issue which for a long time had been an obstacle in Franco-German relations.

* *The New York Times*, March 24, 1957.



Other, perhaps even more important, developments can be perceived in outline: The project of a European Atomic Community nears its completion and a common European market will, by stages, become a reality.

Our economic ties to the Western world are of decisive importance for us. We have noted with great satisfaction that trade between the United States and the Federal Republic of Germany—of necessity a very one-sided matter during the first difficult postwar years—has meanwhile assumed normal forms. The export of goods from the Federal Republic of Germany to the United States and imports from the United States are an important factor in our economic life.

A healthy economic and social structure is necessary to a stable domestic and foreign policy. The progress of our economy has also enabled us to make a contribution toward the military strengthening of the West. In the course of this year it will be possible to incorporate the first German divisions within the defense system of NATO and thereby strengthen the shield behind which the way of life common to all the nations of the Western world can freely develop.

167 The Four-Power Berlin Declaration on German Unity, 1957

On July 29, 1957, the three major powers—the United States, Britain, and France—and West Germany issued a joint declaration calling for a free election to unify Germany. Berlin was selected as the scene of the signing because it was felt that the effects of the division were especially plain there.

Based on the meetings of a four-power working group that had been reviewing the problem of German reunification, the statement dealt with the key issue of the “cold war” that was decisive for Europe, for the North Atlantic alliance, and for disarmament. It reaffirmed the principles laid down in the Atlantic Charter, the Charter of the United Nations, and the Geneva directive of 1955—to which the Soviets agreed—calling for the renunciation of force and mutual consultation.

The Berlin Declaration was obviously a proposal to negotiate amicably with the Soviet Union on the troublesome German question. The Soviet position had been based on perpetuating the division of Germany and preserving its puppet regime in East Germany. Now the Western powers served joint notice that any comprehensive disarmament agreement presupposed a prior solution of the problem of German reunification.

The continuing gravity of the problem may be judged by the immediate response of Tass, the official Soviet news agency. The agency stated that there was nothing new in the Berlin Declaration and denounced it as "another scrap of paper to be added to the documents on the German question."

**Text of the Four-Power Statement on German Unity,
July 29, 1957 ***

Twelve years have elapsed since the end of the war in Europe. The hopes of the peoples of the world for the establishment of a basis for a just and lasting peace have nevertheless not been fulfilled. One of the basic reasons for the failure to reach a settlement is the continued division of Germany, which is a grave injustice to the German people and the major source of international tension in Europe.

The Governments of France, the United Kingdom and the United States, which share with the Soviet Union responsibility for the reunification of Germany and the conclusion of a peace treaty, and the Government of the Federal Republic of Germany [West Germany] as the only Government qualified to speak for the German people as a whole, wish to declare their views on these questions, including the question of European security, and the principles which motivate their policies in this regard.

1

A European settlement must be based on freedom and justice. Every nation has the right to determine its own way of life in freedom, to determine for itself its political, economic and social system, and to provide for its security with due regard to the legitimate interests of other nations. Justice requires that the German people be allowed to re-establish their national unity on the basis of this fundamental right.

* *The New York Times*, July 30, 1957.

2

The reunification of Germany remains the joint responsibility of the four powers who in 1945 assumed supreme authority in Germany, a responsibility which was reaffirmed in the directive issued by the four heads of Government in Geneva in July, 1955. At the same time the achievement of German reunification requires the active cooperation of the German people as a whole under conditions insuring the free expression of their will.

3

The unnatural division of Germany and of its capital, Berlin, is a continuing source of international tension. So long as Germany remains divided, there can be no German peace treaty and no assurance of stability in Europe. The reunification of Germany in freedom is not only an elementary requirement of justice for the German people, but is the only sound basis of a lasting settlement in Europe.

4

Only a freely elected all-German government can undertake on behalf of a reunified Germany obligations which will inspire confidence on the part of other countries and which will be considered just and binding in the future by the people of Germany themselves.

5

Such a Government can only be established through free elections throughout Germany for an all-German national assembly.

6

There should be no discrimination against a reunified Germany. Its freedom and security should not be prejudiced by an imposed status of neutralization or demilitarization. Its government should be free to determine its foreign policy and to decide on its international associations. It should not be deprived of the right recognized in the Charter of the United Nations for all nations to participate in collective measures of self-defense.

7

Re-establishment of the national unity of Germany in accordance with the freely expressed wishes of the German people would not in itself constitute a threat to Germany's neighbors nor would it prejudice their security. Nevertheless, so as to meet any preoccupation which other governments may have in this respect, appropriate

arrangements, linked with German reunification, should be made which would take into account the legitimate security interests of all the countries concerned. It was for this reason that, at the Geneva foreign ministers conference, the Western powers made proposals for a treaty of assurance on the reunification of Germany.

8

The Western powers have never required as a condition of German reunification that a reunified Germany should join the North Atlantic Treaty Organization. It will be for the people of a reunified Germany themselves to determine through their freely elected government whether they wish to share in the benefits and obligations of the treaty.

9

If the all-German government, in the exercise of its free choice, should elect to join the NATO, the Western powers, after consultation with the other members of this organization are prepared to offer, on a basis of reciprocity, to the Government of the Soviet Union and the governments of other countries of Eastern Europe, which would become parties to a European security arrangement, assurances of a significant and far-reaching character. The Western powers are also prepared, as part of a mutually acceptable European security arrangement, to give an assurance that, in the event of a reunified Germany's choosing to join NATO, they would not take military advantage as a result of the withdrawal of Soviet forces.

10

But the Western powers could not contemplate that the existence of the NATO itself should constitute the subject of negotiations.

11

The reunification of Germany accompanied by the conclusion of European security arrangements would facilitate the achievement of a comprehensive disarmament agreement. Conversely, if a beginning could be made toward effective measures of partial disarmament, this would contribute to the settlement of outstanding major political problems such as the reunification of Germany. Initial steps in the field of disarmament should lead to a comprehensive disarmament agreement which presupposes a prior solution of the problem of German reunification. The Western powers do not intend to enter

into any agreement on disarmament which would prejudice the reunification of Germany.

12

Any measures for disarmament applicable to Europe must have the consent of the European nations concerned and take into account the link between European security and German reunification.

The four governments continue to hope that the Soviet Government will come to recognize that it is not in its own interest to maintain the present division of Germany. The Western powers are ready to discuss all these questions with the Soviet Union at any time that there is a reasonable prospect of making progress. At such time there will be many points relating to the procedure for German reunification and the terms of a treaty of assurance which will require to be worked out by detailed negotiation.

In advance of serious negotiations the Western powers cannot finally determine their attitude on all points. Nor can they contemplate in advance the making of concessions to which there is no present likelihood of response from the Soviet side.

If negotiations are to be fruitful, both sides must approach them in a spirit of accommodation and flexibility. Through this declaration the Western powers, in full accord with the Federal Republic, wish again to manifest their sincere desire to enter into negotiations with the Soviet Union in order to reach a European settlement and to give evidence that the paramount objective of their policy is the attainment of a just and lasting peace.

Appendices

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II Selected Chronology of German History

The Germanic Tribes

- c. 1000 B.C. Western Germanic tribes between Ems and Oder move West and South
 600-300 Eastern Germanic tribes cross Baltic
 A.D. 9 Romans defeated by Germans under Arminius at Battle of Teutoburg Forest
 378 Battle of Adrianople
 419-554 Visigoths in southern France, 419-507; in Spain, 507-711; Ostrogoths in Italy, 489-554; Vandals in Africa, 429-534.
 568-774 Kingdom of the Lombards in northern Italy

The Frankish Empire

- 431-751 The Merovingian dynasty
 496 Conversion of the Franks to Christianity
 732 Defeat of the Moslems by Charles Martel at Tours
 752-911 The Carolingian dynasty
 752 Pepin the Short, son of Charles Martel, elected King of the Franks
 754-756 The Donation of Pepin, confirming Church control of the Papal States
 768-814 Reign of Charlemagne
 800 Coronation of Charlemagne as Emperor of the West

772–814	Conquest of the Saxons
842	Strasbourg Oaths taken by grandsons of Charlemagne
843	The Treaty of Verdun; first division of the Carolingian Empire
870	The Treaty of Mersen; revised division of the Carolingian Empire
918	Death of Conrad I

The Saxon Dynasty

919–1024	The Saxon dynasty
919–933	Henry I, The Fowler, battles with Slavs and invading Magyars
933	Defeat of the Hungarians at the Unstrut River
936–973	Otto I; revival of Central European idea
955	Battle of the Lechfeld; defeat of the Magyars
962	Coronation of Otto I in Rome as Roman Emperor

The Salic Dynasty

1024–1125	The Salic dynasty
1077	Henry IV at Canossa
1122	The Concordat of Worms

The Hohenstaufen Dynasty

1138–1254	The Hohenstaufen dynasty
1152–1190	Frederick Barbarossa; struggles with the Lombards
1190	Founding of Teutonic Order
c. 1200	The <i>Nibelungenlied</i>
1232	Legal confirmation of princes' rights in the Germanies issued by Frederick II
1241	Beginnings of the Hanseatic League
1250	Death of Frederick II; Hohenstaufen claims to world dominion ended
1254	Federation of German cities formed in Worms

Hapsburgs, Wittelsbachs, and Luxemburgs

1256–1273	The Great Interregnum
1273	Election of Rudolf of Hapsburg
1349–1350	Black Death
1356	The Golden Bull
1415	The Hohenzollerns in Brandenburg
1438–1806	The Hapsburg dynasty

- 1813 War of Liberation
- 1815 Congress of Vienna; birth of Bismarck; Holy Alliance
- 1817 Wartburg Festival
- 1819 Carlsbad Decrees
- 1820 Burschenschaft
- 1830 The July Revolution
- 1834 The Zollverein
- 1848 Frankfort National Assembly; downfall of Metternich; war over Schleswig-Holstein; Frederick William IV rejects imperial crown; Great Germany versus Little Germany
- 1849 The Frankfort constitution; offer of the imperial crown to Frederick William IV of Prussia
- 1850 Olmutz Agreement
- 1858-1888 Wilhelm I of Prussia; regent to 1861; German emperor, 1871
- 1862-1890 Era of Bismarck. President of Council of Ministers in Prussia, 1862; Bundeskanzler (of North German Confederation, 1867), Reichskanzler, 1871
- 1864 Austro-Prussian war against Denmark
- 1866 War between Prussia and Austria; end of the *Deutscher Bund*
- 1867 Foundation of North German Confederation
- 1870-1871 Franco-Prussian War
- 1871 New Deutsches Reich; incorporation of Alsace-Lorraine
- 1872-1878 Kulturkampf
- 1872-1873 The Three Emperors' Conferences
- 1878 Anti-Socialist Law; Congress of Berlin
- 1879 Dual Alliance between Prussia and Austria
- 1881 Social legislation inaugurated; Three Emperors' League
- 1882 Triple Alliance
- 1883 Sickness insurance
- 1884 Accident insurance
- 1884-1885 Occupation of African colonies
- 1887 Reinsurance Treaty with Russia; old age and invalidity insurance
- 1888 Death of William I; Frederick III
- 1888-1918 William II
- 1890 Fall of Bismarck, Reinsurance Treaty not renewed
- 1890-1894 Chancellor Leo von Caprivi
- 1894-1900 Chancellor Prince zu Hohenlohe-Schillingfürst
- 1898 Death of Bismarck; first naval building program; Baghdad Railway concession

Germany in the Twentieth Century

1900-1909	Chancellor Bernhard von Bulow
1905-1906	First Moroccan crisis
1908	Bosnian crisis
1909-1917	Chancellor Theobald von Bethmann-Hollweg
1911	Agadir; Second Moroccan crisis; Social Insurance Code
1912	Haldane mission
1914-1918	First World War
1914	
June 28	Assassination of Archduke Francis Ferdinand of Austria
July 23	Austrian ultimatum to Serbia
July 28	Austrian declaration of war on Serbia
July 29	Russian mobilization in part
July 30	Russian general mobilization
July 31	German ultimatum to Russia
August 1	German mobilization; declaration of war on Russia
August 3	German invasion of Belgium
August 4	British declaration of war on Germany
1915	German Conquest of Poland and Baltic region
1916	German defeat at Verdun; Battle of the Somme; Battle of Jutland
1917	Unrestricted submarine warfare; break between Germany and the United States; Battle of Flanders
1918	Treaty of Brest-Litovsk; abdication of William II; proclamation of German Republic
1919	Spartacist Revolt; National Assembly; Weimar Constitution; Treaty of Versailles; Communist threat in Munich; Rhineland separatist movement
1920	Schleswig plebiscite; Kapp putsch; French sanctions in Rhineland
1921	Assassination of Mathias Erzberger; formation of N.S. D.A.P.
1922	Rapallo Treaty; assassination of Walther Rathenau
1923	Franco-Belgian occupation of Ruhr; passive resistance; Gustav Stresemann becomes Chancellor; German inflation; Hitler's beer hall putsch in Munich
1924	Dawes Plan; evacuation of the Ruhr
1925	Death of Ebert; Hindenburg President; Locarno Pact
1926	Germany admitted to League of Nations
1929	Young Plan; death of Gustav Stresemann
1930	Brüning cabinet; evacuation of the Rhineland
1932	Hindenburg re-elected; Franz von Papen becomes Chancellor; <i>coup d'état</i> in Prussia; Schleicher becomes Chancellor
1933	Hitler becomes Chancellor; Reichstag Fire; Enabling Act; all non-Nazi parties dissolved; organization of Nazi dictator-

- ship; Germany withdraws from disarmament conference and League of Nations
- 1934 Hitler's blood purge; assassination of Engelbert Dollfuss; Hitler becomes Führer and Chancellor; death of Hindenburg
- 1935 Conscription re-introduced by Hitler; Saar plebiscite; Anglo German Naval Agreement; Nuremberg Laws
- 1936 Hitler unilaterally denounces Locarno Pact; remilitarization of Rhineland; Rome-Berlin Axis; German-Japanese anti-Comintern Pact
- 1938 Annexation of Austria by Hitler; Sudeten-German crisis, Munich Conference; reorganized Czechoslovak Republic
- 1939 Hitler annexes Bohemia and Moravia; German protectorate imposed on Czechs; Polish crisis; Berlin-Moscow Agreement; invasion of Poland; Britain and France declare war on Germany
- 1940 Germans invade Norway and Denmark, occupy the Netherlands, wage Blitzkrieg on Belgium and France; German-French armistice, Pact of Berlin; Battle of Britain
- 1941 Germany occupies Yugoslavia, Rumania, and Greece; German attack on Russia; Atlantic Charter, Lend-Lease; Japan attacks the United States at Pearl Harbor; United States declares war on Germany and Italy
- 1942 United Nations Pact; German drives in North Africa; Germany occupies all of France; air war on Germany; siege of Leningrad; attack on Moscow; Stalingrad
- 1943 Casablanca Conference; capitulation of Italy; liberation of Paris; German counter-offensive in the Ardennes; attempt on Hitler's life
- 1944 Allies cross the Rhine; Americans reach the Elbe; the Russians turn on the Oder
- 1945 Yalta Conference; death of Hitler; Admiral Dönitz succeeds the Führer; final German surrender; Allied military occupation of Germany; Potsdam Conference; Nuremberg Trials (1945-1946)
- 1949 Adoption of the Bonn Constitution; adoption of Constitution of East Germany; foundation of the German Federal Republic (capital: Bonn) and the German Democratic Republic (capital: Berlin); first meeting of the Council of Europe at Strasbourg
- 1952 The United States, Great Britain, and France conclude peace agreements with West Germany
- 1955 West Germany becomes officially independent, May 5, 1955
- 1956 Official creation of regular army in East Germany

III The Rulers of Germany

Carolingians

Charlemagne (Frankish king, 768), (Roman emperor, 800–814)

Louis I (Ludwig), the Pious (crowned by Charlemagne, 813), died 840

Lothair I (840–843)

Louis II, the German (king, 843–855), (emperor, 855–876)

Charles III, the Fat, inherited East Francia and West Francia, 876;
crowned emperor by pope, 881; deposed, 887

Arnulf, nephew (887–899)

Louis the Child (899–911)

House of Franconia

Conrad I (911–918)

House of Saxony

Henry I, the Fowler (919–936)

Otto I, the Great (king, 936–962), (emperor, 962–973)

Otto II (973–983)

Otto III (983–1002)

Henry II, the Holy (1002–1024)

House of Franconia (Restored, The Salic House)

Conrad II, the Salic (1024–1039)

Henry III, the Black (1039–1056)

Henry IV (1056–1106)

Henry V (1106–1125)

House of Saxony

Lothair II (1125–1137)

House of Hohenstaufen

Conrad III (1138–1152)
 Frederick I, Barbarossa (1152–1190)
 Henry VI (1190–1197)
 { Philip (1198–1208)
 { Otto IV (king, 1198–1215), (emperor, 1209–1218)
 Frederick II (1212–1250)
 Conrad IV (1250–1254)

Interregnum

William of Holland (merely nominal) (1254)
 Richard of Cornwall (merely nominal) }
 Alfonso of Castile (merely nominal) } (1257)

House of Hapsburg

Rudolf I, Count of Hapsburg (1273–1291)
 Adolf of Nassau (1292–1298)
 Albert of Austria (1298–1308)

Houses of Luxemburg and Bavaria

Henry VII of Luxemburg (1308–1313)
 { Louis IV, the Bavarian (1314–1347)
 { Frederick of Austria (1314–1330)
 Charles IV of Luxemburg (1347–1378)
 Wenceslaus of Luxemburg (1378–1400)
 Rupert, Count Palatinate (1400–1410)
 Sigismund of Luxemburg (1410–1437)

House of Austria—The Hapsburgs

Albert II (1438–1439)
 Frederick III (1440–1493)
 Maximilian I (1493–1519)
 Charles V (1519–1556)
 Ferdinand I (1556–1564)
 Maximilian II (1564–1576)
 Rudolf II (1576–1612)
 Matthias (1612–1619)
 Ferdinand II (1619–1637)

Ferdinand III (1637–1657)
 Leopold I (1657–1705)
 Joseph I (1705–1711)
 Charles VI (1711–1740)
 Maria Theresa (1740–1780), married Francis I, Duke of Lorraine
 (emperor, 1745–1765)
 Joseph II (1765–1790)
 Leopold II (1790–1792)
 Francis II (1792–1835); first emperor of Austria, Francis I
 Ferdinand (1835–1848)
 Francis Joseph (1848–1916)

House of Prussia—The Hohenzollerns

Frederick I, burgrave of Nuremberg, first elector of Brandenburg (1415–
 1440)
 George William, elector (1619–1640)
 Frederick William, the Great Elector (1640–1688)
 Frederick III (1688–1713), (Frederick I, king in Prussia, after 1701)
 Frederick William I (1713–1740)
 Frederick II, the Great (1740–1786)
 Frederick William II (1786–1797)
 Frederick William III (1797–1840)
 Frederick William IV (1840–1861)
 William I (king of Prussia, 1861–1888), (German emperor, 1871–1888)
 Frederick III (1888)
 William II (1888–1918)

Presidents of the German Republic, 1918–1933

Friedrich Ebert (1919–1925)
 Paul von Hindenburg (1925–1932; 1932–1933)

The Third Reich (1933–1945)

Adolf Hitler, *Reichsführer* (1933–1945)

President of the Federal Republic of Germany, West Germany

Theodor Heuss (1949–), (re-elected July 17, 1954)

Presidents of the German Democratic Republic, East Germany

Wilhelm Pieck (1949–), (re-elected October 7, 1953)

IV German Chancellors from 1919 to 1933

<i>Term</i>	<i>Chancellor</i>	<i>Party</i>
February 13–June 2, 1919	Philip Scheidemann	Social Democrat
June 21, 1919–March 26, 1920	Gustav Bauer	Social Democrat
March 28–June 8, 1920	Herman Müller	Social Democrat
June 25, 1920–May 4, 1921	Konstantin Fehrenbach	Centrist
May 10, 1921–October 22, 1921	Joseph Wirth	Centrist
October 26, 1921–November 14, 1922		
November 22, 1922–August 12, 1923		
August 12, 1923–August 13, 1923	Wilhelm Cuno	(no party)
August 13, 1923–October 3, 1923	Gustav Stresemann	German People's Party
October 3, 1923–October 6, 1923		
October 6, 1923–November 23, 1923		
November 23, 1923–November 30, 1923	Wilhelm Marx	Centrist
November 30, 1923–May 26, 1934		
May 26, 1934–June 3, 1924		
June 3, 1924–December 15, 1924	Hans Luther	(no party)
December 15, 1924–January 15, 1925		
January 15, 1925–December 5, 1925		
December 5, 1925–January 20, 1925	Wilhelm Marx	Centrist
January 20, 1925–May 12, 1926		
May 12, 1926–May 17, 1925		
May 17, 1925–December 17, 1926	Hermann Müller	Social Democrat
December 17, 1926–January 29, 1927		
January 29, 1927–June 12, 1928		
June 12, 1928–June 28, 1928	Heinrich Brüning	Centrist
June 28, 1928–March 27, 1930		
March 27, 1930–March 31, 1930		
March 31, 1930–October 9, 1931	Heinrich Brüning	Centrist
October 9, 1931–May 30, 1932		

<i>Term</i>	<i>Chancellor</i>	<i>Party</i>
May 31, 1932– December 1, 1932	Franz von Papen	(no party)
December 2, 1932– January 28, 1933	Kurt von Schleicher	(no party)
January 30, 1933– April 29, 1945	Adolf Hitler	National Socialist German Workers' Party (German dictator from March 24, 1933 [Enabling Act] to April 29, 1945)

V German Foreign Ministers from 1919 to 1933

<i>Date of Appointment</i>	<i>Foreign Minister</i>
February 13, 1919	Count von Brockdorff-Rantzau
June 21, 1919	Herman Müller
March 28, 1920	Koster
June 25, 1920	Simons
May 10, 1921	Rosen
October 26, 1921	Wirth
January 31, 1922	Rathenau
June 24, 1922	Wirth
November 22, 1922	von Rosenberg
August 13, 1923	Stresemann
November 11, 1929	Curtius
October 9, 1931	Brüning
June 1, 1932	von Neurath

VI Area, Population, and Density of German States, 1933

States	Area in sq. mi. 1933	Population 1933	Density per sq. mi.	
			1875	1933
Saxony	5,786	5,196,436	407	898
Hesse	2,970	1,426,847	307	480
Baden	582	2,413,324	257	415
Anhalt	894	364,371	246	408
Schaumburg-Lippe	131	50,023	155	381
Lippe	469	175,520	256	374
Thuringia	454	1,659,510	229	365
Brunswick	1,418	512,868	214	362
Wurttemberg	7,532	2,695,942	245	358
Prussia (including Waldeck)	113,040	39,906,929	188	353
Bavaria	39,344	7,684,645	170	262
Oldenburg	2,480		132	232
Mecklenburg- Schwerin	6,200	805,289	114	130
Mecklenburg- Strelitz				
Hamburg	160	1,214,097	2,625	7,577
Bremen	99	371,951	1,345	3,538
Lubeck	115	136,403	448	1,186
Saar District	738	830,000 (est)	—	1,098

Source: *Encyclopaedia Britannica*, 14th ed. (London, 1937), X, 237.

VII Comparative Population Data for Chief European Countries

Country	Population	Area sq. mi.	Density per sq. mi.
Germany (1939)	69,622,483	182,473	381
United Kingdom (1937)	47,290,245	94,279	502
France (1936)	41,907,056	212,659	197
Italy (1936)	42,993,602	119,764	359
Belgium (1938)	8,386,553	11,775	712
Netherlands (1938)	8,728,569	12,712	686
U.S.S.R. (1939)	170,467,000	8,173,550	21

Source: *Statesman's Year-Book*, 1941 (London, 1941).

VIII Density of Agricultural Population in European Countries

(per square mile)

	Cultivated Area	Total Agricultural Area
Netherlands	158	73
Italy	148	106
Poland	140	104
Rumania	148	117
Belgium	137	85
Germany	119	85
Czechoslovakia	114	83
France	85	57
Denmark	54	44
United Kingdom	67	18

Source: International Institute of Agriculture, *Documentation for the European Conference on Rural Life* (Rome, 1939), p. 18.

IX German Cities with Over 350,000 Population, 1933

Towns	State	Population
Berlin	Prussia	4,236,416
Hamburg	Hamburg	1,125,025
Cologne	Prussia	750,190
Munich	Bavaria	734,785
Leipzig	Saxony	712,475
Essen	Prussia	654,538
Dresden	Prussia	649,248
Breslau	Prussia	625,219
Frankfort on Main	Prussia	555,071
Dortmund	Prussia	540,480
Düsseldorf	Prussia	498,617
Duisberg-Hamborn	Prussia	440,104
Hanover	Prussia	438,922
Stuttgart	Wurttemberg	414,794
Nuremberg	Bavaria	410,175
Wuppertal	Prussia	408,404
Chemnitz	Saxony	350,657

Source: *Encyclopaedia Britannica*, 14th ed. (London, 1937), X, 237.

X Population of German Cities, 1957

West Germany		East Germany	
Aachen	143,200	Berlin	3,439,427
Augsburg	196,600	Chemnitz	
Bielefeld	168,100	(Karl Marx Stadt)	298,473
Bonn	134,600	Dresden	510,068
Bremen	483,500	Erfurt	190,495

<i>West Germany</i>		<i>East Germany</i>	
Bremerhaven	124,400	Halle	278,433
Bochum	326,100	Leipzig	607,655
Brunswick	237,000	Magdeburg	252,335
Cologne	670,000	Rostock	116,960
Dortmund	580,800	Zwickau	122,862
Duisburg	454,900		
Dusseldorf	594,800		
Essen	660,900		
Frankfort on Main	601,700		
Freiburg	128,800		
Geisenkirchen	355,300		
Hagen	168,100		
Hamburg	1,722,800		
Hanover	494,500		
Heidelberg	122,400		
Herne	115,900		
Karlsruhe	211,900		
Kassel	181,500		
Kiel	259,500		
Krefeld	188,700		
Lübeck	230,100		
Ludwigshaven	139,100		
Mannheim	272,300		
Mulheim-on-Ruhr	161,800		
München-Gladbach	135,800		
Munich	970,000		
Nuremberg	398,700		
Oberhausen	227,000		
Oldenburg	122,200		
Osnabrück	121,490		
Hecklinghausen	117,600		
Remscheid	113,000		
Solingen	157,900		
Stuttgart	566,000		
Wiesbaden	240,000		
Wuppertal	392,800		

Source: *World Almanac* (New York, 1957), p. 447.

XI Foundation Years of German Universities

Heidelberg	1386	Halle	1694
Leipzig	1409	Breslau	1702*
Rostock	1419	Göttingen	1737
Greifswald	1456	Erlangen	1743
Freiburg	1457	Münster	1780
Tübingen	1477	Berlin	1809
Marburg	1527	Bonn	1818
Königsberg	1544	Munich	1826
Jena	1558	Frankfort on Main	1914
Würzburg	1582	Hamburg	1919
Giessen	1607	Cologne	1919

Source: Karl Remme, *Die Hochschulen Deutschlands* (Berlin, 1926), p 12.

* Newly founded in 1811.

XII German Colonies and Protectorates in 1911

<i>Territory</i>	<i>Sq. km.</i>	<i>Population</i>
African Possessions		
Togo, Cameroon, Congo, Chad Territory, East Africa, Angola, Luderitzland, Madagascar, Comorin, Reunion, Obok, the Capperdic Islands, San Thomé, and Principe	8,870,920	44,224,627
Near and Middle East		
Asia Minor, Syria, Mesopotamia, Armenia, Kurdistan, North Arabia, Western Persia	3,204,399	18,092,661

<i>Territory</i>	<i>Sq. km.</i>	<i>Population</i>
South-East Asia and Oceania		
The Indian Islands, Annam, Cambodia, Cochin China, Macao, Kwang-chao- wan, New Guinea, and Oceanic Islands	2,489,220	48,378,627
Central American Islands and Surinam	133,330	538,000
Protectorates		
In Africa, Morocco	1,000,000	7,000,000
In Asia, Siam	634,000	6,320,000
South America	6,500,000	12,000,000
TOTALS	22,831,871	136,553,915

Source. Otto Richard Tannenbergl, *Grossdeutschland—die Arbeit des 20ten Jahrhunderts* (Leipzig-Gohlis, 1911), p. 231

XIII West German Trade, 1948–1951 *

(In millions of current dollars)

<i>Year</i>	<i>Imports</i>	<i>Exports</i>
1936 †	673.7	775.7
1948	1,563.0	701.6
1950	2,709.9	1,980.6
1951	2,504.0	2,468.0

Source. *World Almanac* (New York, 1953), p. 354.

* The currency reform of June, 1948, as well as the beginning of ECA aid, resulted in spectacular recovery. Industrial production reached an average of 89 per cent of 1936 in 1949 and exceeded the 1936 level by over 30 per cent at the end of 1951. Coal production in 1951 totaled 118,900,000 tons against 117,000,000 in 1936. In 1952, the Ruhr's open hearth steel production potential was over 15,400,000 tons per year.

† Reichsmark figures converted to dollars at rate of 1 RM = \$0.40.

XIV Gold Reserves of Germany, 1930-1955

(In millions of dollars; at par of exchange)

<i>December</i>	
1930	528
1935	33
1940	29
1943	29
1944	29
1945	—
1946	—
1947	—
1948	—
1949	—
1950	—
1951	28
1952	140
1953	326
1954	626
1955	920

Source: Board of Governors of the U.S. Federal Reserve System.

Index

A

- Aaland Islands, 365
- Abdul-Hamid II, Sultan, 236
- Abeken, Heinrich, 213, 215
- absolutism, 171
- Accident Insurance Law, 244-247
- Acton, Lord, 77
- Addresses to the German Nation*, Fichte, 133-135
- Address to the Christian Nobility of the German Nation*, Luther, 66, 68-72
- Adenauer, Konrad, 499, 573
- Adrianople, Battle of, 14-17
- agriculture, 85, 96, 279-281, 305, 308; crops, 308, 309; density of population, 589; production, 308
- Aix-la-Chapelle, 21, 24, 46
- Albrecht of Brandenburg, Archbishop, 62
- Alexander II, Tsar, 233
- Alldeutscher Verein (*see* Pan-German League)
- Allgemeine Deutsche Burschenschaft, 160
- Allgemeiner Deutscher Verband (*see* Pan-German League)
- Allied Powers (*see* individual countries)
- Alsace-Lorraine, 219; ceded to France, 377; Germanization difficulties, 271, 300-304; to Germany, 222
- America: The Land Without a Heart*, Johann, 436
- Ammianus Marcellinus, 15-17
- Andrássy, Count Gyula, 244
- Anglo-French Agreement of 1904, 288
- Annals of Lauresheim, The*, 26
- anti-Semitism, 191-193, 413, 424-428
- Anti-Socialist Laws, 265
- Arminius, 3-7, 142
- Armistice, 368
- army, 344; conference on England, 445; General Staff, 291-294; Schlieffen Plan, 290-294
- Arndt, Ernst Montz, 143-149
- Arnim, Count Harry Karl von, 225
- Arnold of Trèves, Archbishop, 43
- Atlantic Charter, 576
- Attlee, Clement R., 484
- Auerstadt, 143
- Augsburg, Peace of, 85
- Augustus, Emperor, 10
- August Wilhelm, Prince, 420
- Austria-Hungary, 106, 150, alliance with Germany, 242-244, 247-250, 290; "blank check" from Germany, 310; dominance in Germany, 154, 177, 206, 210; league with Germany and Russia, 233; Red Book, 312; struggle over Schleswig-Holstein, 203; struggle with Prussia, 194; territorial gains, 237; in Triple Alliance, 250; ultimatum to Serbia, 311, 315-319; war with Prussia, 205-209

Austro-Prussian War, 203–209
 Avars, 18
 Axis, Berlin-Rome-Tokyo, 458–460

B

Babylonian Captivity of the Church,
The, Luther, 67, 72
 Bach, Johann Sebastian, 169
 Bad Ems, 213
 Baden, 210
 Balfour, Arthur James, 360
 Barker, J. Ellis, 305–309
 Basel, 43
 Bauer, Gustav, 392
 Bavaria, 210, 373
 Bayer, Dr., 392
 Beethoven, Ludwig van, 169
 Behr-Bandeln, Count Felix, 255
 Behring, Emil von, 358
Belgische Neutralität und der Schlieffen Feldzugplan, Bredt, 292
 Belgium, 206; in Coal and Steel Community, 570; gains from World War I, 377; German proclamations in, 342; Grey Book, 312; hostage system, 341; invasion, 335–337, 337–341; mutual guarantee treaty, 398–401; neutrality violated, 292–294, 331, 335; ultimatum from Germany, 331
 Bell, Dr., 392
 Below, Col. Nicholas von, 477
 Benedetti, Count Vincent, 213
 Bentinck, Count, 371
 Berchtesgaden, 437
 Berchtold, Count Leopold von, 310
 Berlin, 96, 133
 Berlin, Congress of, 242
 Berlin, Convention of, 249
 Berlin, Treaty of, 236–239, 459
 Berlin, University of, 259
 Berlin Conference, 484
 Bernhardt, Friedrich von, 408
 Berthold of Basel, Bishop, 43
 Bethmann-Hollweg, Theobald von, 301, 310, 327, 331–334, 337–341, 495
 Biarritz, 206

Bill of Rights, British, 179, 386
 Bill of Rights, United States, 386
 Birleff, A., 287
 Bismarck, Herbert, 252, 256, 258, 265, 276
 Bismarck, Prince Otto von, 201–262; against Socialist movement, 234; alliance against France, 250; agriculture promoted by, 279; attempts to destroy Social Democrats, 273; bitterness against William II, 277; on colonies, 252–255; dismissal of, 265; on Ems Dispatch, 213–216, fashions German Empire, 222; at Gastein Convention, 205; as “honest broker,” 237; “Iron and Blood” speech, 202; made a count, 203; meeting with Napoleon III, 219; nationalist policy supported, 209; opposition to, 209, peace terms to France, 222–225; plots for war with France, 212; preventive alliance, 247–250; quarrel with Vatican, 231; resignation letter, 266–268; on social reform, 244–247; struggle with Austria, 205–209; on tariff, 240; and Three Emperors’ League, 233; treaty system, 242–244; victory over Austria, 206; writes constitution for North German Confederation, 210
 Bjorko Treaty, 284, 287
 Blome, G., 205
 Blue Book, England, 311
 Blue Book, Serbia, 312
 Boers, 278
 Bohemia, 51, 106
 Bologna, University of, 51
 “Bombs on England,” 460
 Bonn, 500
 Bonn, University of, 428–433
 Bonn Constitution, 500–538
 Bonn Republic (*see* West Germany)
 Bormann, Martin, 476, 477, 495, 496
 Bosnia, 237, 238, 249, 309, 313
 bourgeois life, 110–112
 Bowring, John, 163, 166
 Brahms, Johann, 169
 Brandenburg, Margrave of, 48
 Brandenburg petition, 91
 Brandenburg-Prussia, 95

Braun, Eva, 475
 Bredt, J. V., 292
 Bremen, 43, 90
 Brenner, 209
 Breslau, 149
 Brest-Litovsk Treaty, 362-366
 Briand, Aristide, 401
 Brunswick, 171
 Bryce, James, 26, 46
 Bulgana, 236, 237, 249, 363, 459
 Bulow, Prince Bernhard von, 288, 295
 Bulow, Gen. Karl von, 342
 Bundesrat, 225; composition and powers, 227, 230; West German, 500, 511
 Bundestag, 151, 158; message to National Assembly, 178; West German, 500, 509
 Burgdorf, Wilhelm, 480
Burschenschaft, 160-162
 Busch, Moritz, 219, 220
 Byrnes, James F., 484

C

Cabinet Order of 1852, 265, 266, 268
 Caesar, Julius, 4, 11
 Calixtus II, Pope, 36-38
 Cambrai, 29
 Cannae, Battle of, 17
 Canossa, 30-34, 232
 Caprivi, Leo von, 268, 277
 Carlsbad Decrees, 158-160
 Carlyle, Thomas, 119
 Carolingian Empire, 19, 27
 Castritus, 29
 Catherine, Tsarina, 120
 Catholic Center party, 232
 Cavell, Nurse Edith, 358-360
 Ceionius, 6
 Central Powers, 250, 263 (*see also* individual countries)
 Centrists, in Weimar Assembly, 385
 Chamberlain, Austen, 401
 Chamberlain, Neville, 437-439
 chancellors, 596
 "Chant of Hate Against England," 344-346
 Charlemagne, Emperor, 18-27
 Charles II the Bald, Emperor, 27-30
 Charles IV, Emperor, 45-49, 51
 Charles V, Emperor, 76-79
 Charles II, King of Spain, 99
 Cherusci, the, 7
 Chicherin, Gngori, 402
 Christian of Schleswig-Holstein-Glucksburg, Prince, 202
 Christianity, 139
 Christina, Queen, 88
 Churchill, Winston, 466, 484
 cities, 600
 citizenship, 227, 424-427
 Clement XI, Pope, 98
 Clovis I, King, 17
 coal, consumption, 305-309, production, 305-309, 570, 571; reserves, 572
 Coal and Steel Community, European, 571, 572
 Cologne, 43, 45, 48, 57
 colonialism, 252-255
 colonies, 283, 602
 colonization, 254, 255
 Colonization, Society for German, 255, 271
Commentaries on the Gallic War, Caesar, 11
 commerce, 89
 Communist party, 367, 416, call to labor, 374-376; in East Germany, 539; laws against, 235, leaders, 373; and Reichstag fire, 418; revolt by, 385
 composers, 169
 concentration camps, 461-464
 Confederation (*see* German Confederation)
 Conrad IV, King, 42
 Conrad of Cologne, Archbishop, 43
 conservatism, 188
 Conservative party, 209
 constitution, national, 141; of 1871, 225-231
Conversations with Goethe, Eckermann, 170
 Counter-Reformation, 85
 Crassus, 5
 Crispi, Francesco, 250

Critique of Pure Reason, Kant, 115-118
 Croatia, 459
 Cromwell, Oliver, 92
 Crotus Rubianus, 58
 Crusade, First, 34
 culture, 85, 169
 Curzon Line, 466
 Customs Union (*see* Zollverein)
 Czechoslovakia, 398, 437-439

D

Daily Telegraph, interview with William II, 294-300
 Daladier, Édouard, 439
 Dalmatia, 4
 Danube, European Commission of the, 238, 239
 Danzig, 89, 440-442
 Dardanelles Strait, 237
 David, Dr., 392
 Davis, Richard Harding, 335-337
 Delcassé, Théophile, 288
 Democrats, in Weimar Assembly, 385
 denazification, 471, 484
 Denmark, 49, 89, 194, Germanization plans for, 271; loss of Schleswig-Holstein, 202; struggle with Prussia, 202
Der Gott, der Eisen wachsen liess, Arndt, 144
 Descartes, René, 112, 113
Deutsche Revue, 292
Deutsche Tribune, Die, 172
Deutsche Volkstum, Das, Jahn, 137-143
 Donitz, Adm. Karl, 481, 482, 496
 Drexler, Anton, 393
 Dual Alliance, 242-244, 250, 290
 Duhring, Eugen, 192
 citizens' rights, 541; constitution, 539-565; economic conditions, 569; economics, 543; family life, 545; government, 556; higher education, 565-568; justice in, 564; *Lander* representation, 553, 559; legislation, 554; People's Council, 539; a police state, 539, president, 558; religion, 547; a satellite state, 538; state authority, 540, 541, 549
 East Mark Association, 271, 457
 Ebert, Friedrich, 367, 373, 385, 392
 Eck, Johann, 67
 Eckart, Gottfried, 393
 Eckermann, Johann Peter, 170
 economics, theory vs. science, 308
 Eden, Anthony, 484
 education, 139-141, 260; in East Germany, 565-568; of girls, 141; *Gymnasias*, 270; Sovietization of, 565; war glorified through, 408-410; William II and, 269
 Egypt, 288
 Ehrlich, Paul, 358
 Eichendorff, Freiherr von, 123-126
 Einhard, 19
 Einstein, Albert, 424
 Eisenhower, Michael, 79-81
 Eisenhower, Dwight D., 464, 467-475, 481, 482
 Eisner, Kurt, 373
 electors, 47, 48
 Elizabeth I, Queen, 89
 Elizabeth, Tsarina, 106
 Empire, German (*see* Germany)
 Ems Dispatch, 212-216
 engine-power, 307, 308
 England, 89, 194; appeasement of Hitler, 437-439; Blue Book, 311; colonization, 253; deterioration of relations with Germany, 278; German "hate" against, 344-346, 460; Hitler against, 442-446; industry vs. Germany, 305-309; *Lusitania* sinking, 348-356; mid-nineteenth-century industry, 304; mutual guarantee treaty, 398-407; North African sphere of influence, 288; occupation zone in Germany, 500; Poland's independence guaranteed, 439; South

E

East Africa, 255
 Eastern Rumelia, 238, 249
 East Germany, administration, 560;

African interests, 278; view of Zollverein, 166
England: Leader of the Bourgeois World, Pfeffer, 435
 Englishmen, in Giant Regiment, 101, 102; Treitschke on, 262
 Enlightenment, Era of, 112-118
 Entente Cordiale, 288
 Erasmus, 60
 Erdmannsdorffer, Bernhard, 88-91
 Erfurt, 58
 Erfurt Program, 273-276
 Ergang, Robert R., 100
 Erzberger, Matthias, 361, 392
Es zog aus Berlin ein tapferer Held, Arndt, 144
 "European Consortium," 402
 Evangelical-Lutheran Church, 139
 Eyck, Erich, 216

F

Favre, Jules, 225
 Federal Republic of Germany (*see* West Germany)
 feeling, national, 141
 Fehrbellin, Battle of, 95
 Ferdinand III, Emperor, 88
 Fichte, Johann Gottlieb, 133-135, 143, 160, 192
 Finland, 365
 Flensburg, 481
 Fontenoy, Battle of, 27
 foreign ministers, 597
 Four-Power Berlin Declaration on German Unity, 576-580
 Fourteen Points, 377
 France, 88, 106; alliance with Russia, 284; appeasement of Hitler, 437-439; Belgium promised to, 206; capitulation to Germany, 219-221; in Coal and Steel Community, 570; declares war on Germany, 213; February Revolution, 174; humiliation by Bismarck, 222; indemnity to Germany, 223; mobilization for World War I, 337; mutual guarantee treaties, 398-401; North African sphere of influence, 288; occupation zone in Germany, 500; recovery after 1871, 290; Revolution of 1830, 171; seizure of Tunisia, 250; treaty with Prussia, 99; Yellow Book, 312
 Francis Ferdinand, Archduke, 309-311, 312, 377
 Francis Joseph, Emperor, 233, 276
 Franco-Prussian War, 216-221, 223
 Frank, Hans, 457, 496
 Frankfort Bund, 206, 210
 Frankfort Constitution of 1849, 179-185
 Frankfort National Assembly, 177, 187
 Frankfort on Main, 46, 151, 158, 177, 194, 206, 223
 Frankfort on Oder, 84
Frankfurter Zeitung, 418-420
 Franks, 18
 Fredenck II, Emperor, 38-41, 42, 106
 Frederick the Great, King, 93, 102-110, 118, 119, 123
 Frederick I, King, 94, 98, 221
 Frederick VII, King, 202
 Fredenck III the Wise, Duke, 61
 Fredenck III, Margrave of Brandenburg (*see* Fredenck I, King)
 Frederick of Augustenburg, Prince, 202
 Frederick William I, King, 91-98, 100, 103-106
 Frederick William III, King, 131-133, 149
 Fredenck William IV, King, 175-177, 186-191, 194, 266
 freedom, in literature, 126
 free trade, 239, 308
 Fresbois, 219
 Freytag, Gustav, 110
 Frick, Wilhelm, 496
 Fritsche, Hans, 496
 Fugger family, 62
 Fuhrer (*see* Hitler)
 Funk, Walther, 496
Fürstenbund, 120

G

Gagern, Heinrich von, 177, 178
 Galileo, 112

- Gastein, Convention of, 203, 204
 Gaul, 11
 Geneva Protocol, 397
 Genoa, 402
 genocide, policy of, 461-464
 Gerard, James W., 350, 352
 Gerhard of Mayence, Archbishop, 43
 German Confederation, 150-153, 206
 German Democratic Republic (*see* East Germany)
 German Eastern Work in Poland, Institute for, 457
Germania, *The*, Tacitus, 12-14
 Germanies (*see* Germany)
 Germanization, 271, 273
 German Naval Society, 271
 German Navy League, 281
 Germans, ancestors of, 11; attitude toward Versailles Treaty, 363, 377; character of, 259; disunity, 39-41; duties under Weimar Republic, 390; early, 6, 10-14; as Nazis (*see* National Socialist party); rights under Weimar Republic, 390, "war criminal" indictment against, 495
 German Workers' party, 393
 Germany, alliance with Austria, 242-244, 247; alliance with Russia, 247-250; anti-Semitism (*see* separate item); apologia for, 346-348; assurance to Austria, 310; Axis formed, 458; Belgian invasion, 335, 337-341; citizenship laws, 424-427; colonial policy, 254; colonies, 377; colonization society, 255; concentration camps, 461-464; Constitution, 211, 225-231; contributions to the Enlightenment, 112-118, defeat of, 368; defense of World War I, 356-358; denazification, 471, 484; deterioration of relations with England, 278, 294; early science in, 81; eastern (*see* East Germany); economic controls by military government, 470, 472, 485, 487; economic life under Weimar Republic, 391; economic recovery since World War II, 569-576; effect of tariff, 240; Empire born, 148, 221-223, end of war with Russia, 568; federal territory, 226; financial controls by military government, 473; foreign trade, 309; geography, 10, 39; glorification of war, 408-410, hatred toward England, 344-346, 460; hostage systems, 341, 456; imperial government, 225-231, imperialism, 164; indemnity from France, 223; industrial conditions before 1914, 304-309, industry vs England, 305-309; justification for invasion of Belgium, 332-334, 338-341; justification for war, 408-410, 449-456; in League of Nations, 404-408; losses in Thirty Years' War, 85, 86; middle-class life, 110-112; military government in, 467-475, 485-491; military surrender in 1945, 481, 482; mobilization for World War I, 338; Moroccan policy, 288; mutual guarantee treaties, 398-401; National Constituent Assembly, 385; National Socialist movement, 392-396; naval legislation, 281-284; neutrality agreement with U.S.S.R., 402, Nonaggression Pact with Russia, 447; notes on *Lusitania*, 349-352, 352-356; occupation zones, 469, 484; peace with United States, 377, political controls, 485; population reduction, 85; proclamations in Belgium, 342; protectionism introduced, 305; race laws, 424, 427; Reorganization Law, 420; reparations imposed on, 396, 489; Republic established, 373-376, 381; Republic destroyed, 418; Second Reich founded, 221-225; social legislation, 391; southwest in revolution, 174; states of, 85, 95, 171, 202, 226, 227, 231; struggle with Vatican, 231; terms at Brest-Litovsk, 363-366; territory lost in World War I, 377; Third Reich born, 418; treaties with Russia, 256; Triple Alliance, 250; ultimatum to Belgium, 331; unification demands, 576-580; warning to ships, 348; Weimar Constitution, 367, 385, 386-392, Weimar Republic, 385-392; western

- (see West Germany); White Book, 312-326, working classes, 234
 Gestapo, 496-499
 Giant Regiment, 100-102
 Giesberts, 392
 Glogau, Otto, 192
 Godesberg, 437
 Goebbels, Joseph Paul, 413-417, 420, 467, 475, 480
 Goering, Hermann, 418, 496
 Goethe, Johann Wolfgang von, 170, 192
 Golden Bull of Charles IV, 45-49
 Golden Tooth, miracle of the, 84
 gold reserves, 604
 Goltz, Gen. Kolmar von der, 343
 Good Hope, Cape of, 253
 Gorchakov, Prince Alexander M., 234
 Goschen, Sir Edward, 331, 332-334
 Gotha, 234
 Goths, 14, 88
 Goulard, E. de, 225
 Grabe, Hermann, 461
 Grand Alliance, 99
 Granville, Lord, 253
 Gratus, Ortuin, 58
 Great Britain (see England)
 Great German party, 194, 202
 Greece, 238
 Gregory VII, Pope, 32-34
 Greifswald, University of, 143
 Grey, Sir Edward, 331
 Grey Book, Belgium, 312
 Grimm, Jacob, 142, 143
 Grimm, Wilhelm, 142, 143
 Groener, Gen. Wilhelm, 291
Grunderjahre, 259
 Gustavus Adolphus, King, 88
 gymnastics, 136, 141
- ## H
- Haber, Fritz, 358
 Hadrian I, Pope, 25
 Haeckel, Ernst, 358
 Hague, The, 253
 Hamaut, 29
 Hambach National Festival, 171-173
 Hamburg, 43, 88, 90, 481
Hamburger Nachrichten, 276
 Handel, George Frederick, 169
 Hanover, 171
 Hanseatic League, 43-45, 49, 89
 Hapsburg family, 85, 141
 Hardenberg, Baron Friedrich von, 143
 Harnack, Adolf von, 358
 Hase, Karl August von, 160-162
Hasslied, 344-346, 460
 Hauptmann, Gerhard, 346-348
 Heidelberg, University of, 51-53
 Helmstedt, University of, 84
 Henry IV, Emperor, 32-34
 Henry V, Emperor, 36-38
 Henry VIII, King of England, 60
 Henry VII, Prince von Reuss, 244, 251, 277
 Henry of Strasbourg, Bishop, 43
 Herder, Johann Gottfried von, 143, 192
 Hermann (see Arminius)
 Herzegovina, 237, 238, 249, 313
 Hess, Rudolf, 496
 Hesse-Cassel, 171
 Hesse-Darmstadt, 210
 Heuss, Theodor, 500
 Himmler, Heinrich, 461
 Hindenburg, Paul Ludwig Hans von Beneckendorff und von, 421-423, 495
 history, 140; chronology of, 587-592; constitutional, 46
 Hitler, Adolf, 192, 392, 408; chancellorship, 418, 420, 421; and Czechoslovakia, 437-439; death, 475, 481; demands on Poland, 439-442; on England, 442-446; first speech, 393; marriage, 475; personal will and testament, 475, 476, 480, political testament, 475, 477-480, as president, 423, on propaganda, 443, 464; and Reichstag fire, 418; speeches to Reichstag, 440, 443, 449-456
 Hohenlohe-Schillingfürst, Prince Chlodwig zu, 278
 Hohenzollern family, 141
 Holland, 89, 294, 570
 Holstein, Fritz von, 277
 Holstein, Duchy of, 202, 206

Holy Roman Empire, 18, 28, 31, 46,
51, 150
Hoogstraten, Jakob von, 57
Horst, James, 84
"Horst Wessel Song," 417
hostages, 341, 456
Hubertusburg, Treaty of, 106
Huguenot refugees, 96-98
humanists, 57
Hungary, 459
Huns, 14
Hüttenbrenner, Anselm, 169

I

Imperial Insurance Office, 244
industry, 85, 88-91; before 1914,
304-309; German vs. British, 305-
309
Ingelran, Count, 30
Innocent III, Pope, 38, 39
Innocent X, Pope, 87
intellectualism, 113, 356
Irishmen, in Giant Regiment, 101
iron ore, 307-309
Isis, 154
Italy, 205, 250, 458, 570

J

Jacob of Metz, Bishop, 43
Jagow, Gottlieb von, 326, 332-334,
352, 356
Jahn, Friedrich, 136-143, 160
Jameson, Sir Leander Starr (Dr.), 278
Japan, 458
Jena, Battle of, 131, 143
Jena, University of, 160
Jepson, William, 93
Jesuits, 232
Jews, 34-36; accused of treason, 368;
anti-Semitism (*see* separate item);
blamed for World War II, 475; ex-
ecution of millions, 461-464; perse-
cution by Nazis, 424; "stab-in-the-
back" theory, 424; Treitschke on,
259, 262
Jodl, Gen. Gustav, 481, 482, 483, 496

John, King of Bohemia, 45-49
Johnson, Anna C., 196-198
Joseph II, Emperor, 120
Judaism in Music, Wagner, 192
Junge, Frau, 475
Junkers, 123

K

Kálnoky, Count Gustav, 251
Kaltenbrunner, Ernst, 496
Kant, Immanuel, 113, 115-118, 192
Kaunitz, Count Wenzel von, 120
Keitel, Gen. Wilhelm von, 482, 496
Kepler, Johannes, 113
Kiel Canal, 203
Klehmert, 295
Kleist, Heinrich von, 95
Kohlrausch, Friedrich, 4
Kohn, Hans, 259
Königgrätz (*see* Sadowa)
Kotzebue, August Friedrich von, 158
Krebs, Hans, 480
Krestinsky, Nicholas N., 403
Kreuz-Zeitung, 368
Kruger, Paul, 278
Kulturkampf, 231, 240, 252

L

labor, 140, 374-376, 573
Lamprecht, Karl, 358
Landtag, 201, 209, 231
Landsturm, 157
language, 140, 271
Lassalle, Ferdinand, 234
Lauenburg, Duchy of, 202
Lawrence, Sir Geoffrey, 495
League of Nations, 398, 404-408
Leibniz, Gottfried Wilhelm von, 113-
115
Leipzig, 495
Leipzig, Battle of the Nations, 154,
160
Leipzig Fairs, 90
Lenin, Nikolai, 363
Leo III, Pope, 25-27
Leo X, Pope, 58, 62, 67

Lessing, Gotthold Ephraim, 120-123
Letters of Obscure Men, The, Crotus
 Rubianus, 58
 Leutfried, Count, 30
 Leuthen, 106
 Levetzow, von, 420
 liberalism, 171, 177, 179, 194, 239;
 militansm vs., 300
 Liberal party, 209
 Liberation, War of, 148-150, 160
 liberty, 134
 Liebermann, Max, 358
 Liebknecht, Karl, 373
 Liebknecht, Wilhelm, 373
 Liège, 335
Life of Charles the Great, Einhard,
 19-25
 lignite, 305, 306
 List, Friedrich, 163-168
 literature, 57-59, 118; classical na-
 tional, 140; decline of German, 433;
 fairy tales, 142; miracles in, 84; na-
 tional, 142; tolerance in, 120, under
 Nazis, 433-437
 Little German party, 194, 202
Lives of the Roman Pontiffs, Mura-
 tori, 26
 Locarno Pact, 397-401
 Loewenstein, Karl, 539
 Lothair I, Emperor, 27, 29
 Lothair II, Emperor, 29
 Louis I the Pious, King, 24, 27, 28
 Louis II the German, King, 27-30
 Louis IV of Bavaria, King, 45
 Louis XIV, King, 96, 98, 99
 Low Countries (*see* Holland)
 Lubbe, Mannus van der, 418
 Lubeck, 43-45, 90
 Lucius Eggius, 6
 Ludendorff, Gen. Erich Friedrich, 292,
 495
 Luneburg Heath, 481
Lusitania, 348-356
 Luther, Hans, 401
 Luther, Martin, 59-79, 139, 154; on
 calling a council, 70; on Christian
 liberty, 73; before Diet of Worms,
 76-78; on Henry VIII, 61; person-
 ality of, 59; on reformation of
 Christianity, 68; on sacraments, 72;

 on sale of indulgences, 62; on Scrip-
 ture interpretation, 69; as teacher,
 61; on temporal power of the pa-
 pacy, 69; three treatises, 66-76

Luxemburg, Rosa, 373

Luxemburg, 338, 341, 570

Lvov, Prince Georgi, 363

M

Majority Socialists, 385

"Manifesto of German University Pro-
 fessors and Men of Science," 356-
 358

Mann, Thomas, 428-433

Manteuffel, Baron Otto Theodor von,
 194-196, 266

manufacturing, 305-309

Marcks, Erich, 344

Maria Theresa, Empress, 106, 120

Marobodus, 6

Marr, Wilhelm, 192

Marschall von Bieberstein, Baron Adolf
 Hermann, 278

Marx, Karl, 234

Matin, Paris, 302

Mayence, 29, 43, 45, 48

May Laws, 231

meat production, 309

Mehring, Franz, 373

Meinecke, Friedrich, 133, 344

Mein Kampf, Hitler, 433, 442

Mendelssohn, Felix, 169

merchant manne, 491

Merovingian dynasty, 27

Mersen, Treaty of, 29

Metternich, Prince Klemens von, 158,
 160, 168, 171

Metz, 43, 46

Mexico, 360

Meyer, Oskar, 344

Middle Ages, 31-33

Mielke, Robert, 279-281

militansm, 100-102; liberalism vs.,
 300 (*see also* army and navy)

military government of Germany, 467-
 475, 485-491

Millerand, Alexandre, 495

Milton, John, 92

mining, 305-309
 miracles, 83, 84
Modern Errors, Syllabus of, Pius IX, 231
 Molotov, Vyacheslav, 448, 484
 Moltke, Count Helmuth von, 219, 220, 233, 290
 Moltke, Gen Helmuth von, 291-294
Monadology, The, Leibniz, 113-115
 monarchy, 261
 Montenegro, 238
 Montgomery, Gen. Sir Bernard L., 481
 Morocco, 288-290
 mother love, 140
 Müller, Christopher, 84
 Muller, Hermann, 392
 Munich, 393
 Munich Agreement, 437-439
 Munster, 87
 Mussolini, Benito, 401, 439
 mutual guarantee, treaties of, 398-401

N

Namur, 29
 Nantes, Edict of, 96
 Napoleon I, Emperor, 46, 133, 143, 148, 150, 154
 Napoleon III, Emperor, 206, 213, 219, 220
 Napoleonic Wars, 304
Nathan the Wise, Lessing, 120-123
 National Assembly, Frankfort (*see* Frankfort National Assembly)
 nationalism, beginnings of, 133; birth of modern, 135; guardian angel of, 271; Nazi, 414, 433; in universities, 160
 National Liberal party, 209, 239, 240
 National Security League, 271
 National Socialist party, 413-491, 496; atrocities, 424, birth of, 392-396; dictatorship of, 413-491; official song of, 416; propaganda, 413-416; Thomas Mann and the, 428-433; Twenty-five Point Program, 393-396

National System of Political Economy, List, 163-168
 Nations, Battle of the, 154
 navigation agreements, 223
 navy, battle fleet, 281; disposal of, 491; legislation for large, 281-284; necessity and scope of, 282; second largest in world, 281
 Navy Act of 1898, 282
 Nazis (*see* National Socialist party)
Neue Zeitschrift für Musik, 192
 Neurath, Baron Konstantin von, 496
 neutrality treaty, 256-258
 New Industrial Revolution, 124
 Newton, Sir Isaac, 112
 Nicholas II, Tsar, 284-287, 363
Ninety-Five Theses, The, Luther, 61-66, 154
 nobility, the, 49, 123-126
 Nonaggression Pact, Russo-German, 447
 North Africa, 288
 North Atlantic Treaty Organization, 500, 576
 North German Confederation, 210-212
 Norway, 49
 Noske, Gustav, 392
 Novalis (*see* Hardenberg)
 Nuremberg, 46, 49
 Nuremberg Citizenship and Race Laws, 424-428
 Nuremberg Trials, 461-464, 495-499

O

obscurantists, 57
 occupations, 132, 140
 Occupation Statute, 500
 Oken, Lorenz, 154-158
 Old Age and Invalidity Law, 244
 Olmütz, Convention of, 195, 205
On Christian Liberty, Luther, 67, 73
 Orange Book, Russia, 312
 Osnabrück, Treaty of, 87
 Otto I, Emperor, 31
 Oxford University, 51

P

Page, Walter Hines, 360
 Palmerston, Lord, 165, 252
 Pan-Germanic Fatherland party, 393
 Pan-German League, 270-273
 Pannonia, 4
 Papen, Franz von, 420, 496
 Paris, Peace of, 151
 Paris, University of, 51
 particularism, 123
 Paterculus, Gaius Velleus, 4
 Peace Conference, Paris, 376
 peasants, 196-198, 279
 Peasants' Revolt, 79-81
 Pepin III, King, 18
 Peter the Great, Tsar, 90, 363
 Peter III, Tsar, 106
 Peters, Dr. Karl, 255, 270
 Pfefferkorn, Johann, 57
 Philip, Duke of Anjou, 99
 pig iron, 307-309
 Pius IX, Pope, 231
 Planck, Max, 358
 Pledge Plan, 326-331
 Plon, 481
 Poland, 233; Corridor, 377, 440; first partition, 120; Germanization plans for, 271; Hitler demands on, 439-442; hostages in, 456; independence guaranteed, 439; mutual guarantee treaties, 398; occupation by Nazis, 457; Russian frontier, 466; suppression of, 206
 Polish Corridor, 377, 440
 political economy, system of, 163
 political science, 140
 political system, 158
 Pollio, Gen., 292
 Pomerania, 91
 population, agricultural, 589; city, 600, comparative data, 599; density, 598; reduction in, 85;
 potatoes, 308
 Potsdam, 100
 Potsdam Conference, 484
 Potsdam Declaration, 484-491
 Pouyer-Quertier, Auguste, 225
 Prague, 51
 Prague, Treaty of, 206, 208

Preuss, Dr. Hugo, 385
 princes, 40
Prinz von Homburg, Der, Kleist, 95
 professor-prophets, 258
 Progressive (Liberal) party, 209
 propaganda, Allied in World Wars, 408; anti-Polish, 440-442; battle of, 464; "big lie" technique, 443, 464; British superior to German, 259, 464; leaflets, 465; Nazi, 413-416
 property, 132
 protectionism, 305-309 (*see also* tariff)
 protectorates, 602
 Protestantism, 85
 Prudentius of Troyes, Bishop, 29
 Prussia, 98, 148; annexes Schleswig and Holstein, 203; consolidation, 131; Constitution of 1850, 187-191, 201; defeat of, 131; dissolves Confederation, 206; federal territory, 226; historiography, 258-262; humiliation at Olmutz, 194-196; indemnity from Austria, 209; indemnity law, 210; isolation of Austria, 205-209; king becomes emperor, 225; landowners, 123; militarism, 100; struggle with Austria, 106; treaty with France, 99; "Union" of, 194; unsuccessful revolution in 1848, 175-177; states of, 226; votes in Bundesrat, 227; war against Schleswig-Holstein, 202; war with Austria, 205-209; on Zollverein, 163

R

race laws, 427
 Radical (Liberal) party, 209
 Radowitz, Joseph Maria von, 194
 Raeder, Adm. Ench, 496
 Rapallo, Treaty of, 402
 Rathenau, Walther, 402
 rationalism, 112
Red Army: Red World Revolution: Red Imperialism, Adamheit, 434
 Red Book, Austria, 312
Reflections and Recollections, Bismarck, 216

- Reformation (*see* Luther, Martin)
 Reform Edict of 1807, 132
Reichsgesetzblatt, 226
 Reichsland, 222
 Reichsrat, 389
 Reichstag, 141, 225; burning of, 418–420; composition and powers, 230; Hitler speeches in, 440, 443, 449–456; peace resolution, 361; under Weimar Republic, 387
 Reims, 481, 482
 Reinhardt, Max, 358
 Reinsurance Treaty, 256–258, 265, 284
 Rellstab, Ludwig, 169
 Reorganization of the Reich, Law for the, 420
 reparations, 396, 489
 Republic (*see* Germany)
 Reuchlin, Johann, 57
 Reuss, Henry VII von, 244, 251, 277
 Revolution of 1848, 194
 Rhineland Security Pact, 398–401
 Rhine League, 42
 Rhodes, Cecil, 278
 Rubbentrop, Joachim von, 448, 496
 Richard of Worms, Bishop, 43
 Richter, Eugen, 244–247
 Rights of Man, Declaration of the, 179, 386
 robber barons, 42
 Robilant, C., 251
 Rolland, Romain, 346
 Roman Catholic Church, 26, 57; contest with Bismarck, 231; Counter-Reformation, 85; indulgences sold, 62; and Luther, 62–79; press muzzled in Germany, 231
 Romance languages, 3
 Roman Empire, 3, 14, 18
Roman History, Paterculus, 4
 romanticism, 136, 143
 Rontgen, Wilhelm, 358
 Roosevelt, Franklin Delano, 466
 Rosenberg, Alfred, 496
 Rothenburg ob der Tauber, 79
 Rousseau, Jean Jacques, 11
 Ruhr, 386, 396, 570–573
 rulers, 593–595
 Rumania, 238, 459
 Rupert I, Count Palatine, 51
 Russia, 106, 194; alliance with France, 284; alliance with Germany, 247–250; books in Hitler Germany, 433; and East Germany, 538; end of war with Germany, 568; friendship with Prussia, 232; on German unification, 577; indemnity to Germany, 363; intervention in 1914 feared, 370, losses to Germany, 363; mobilization for World War I, 337; neutrality agreement with Germany, 402; Nonaggression Pact with Germany, 447; Orange Book, 312; Polish frontier, 466; relations with Germany, 242, 284–287; revolution of 1917, 361; secret military agreement with Germany, 233; treaties with Germany, 256; war with Turkey, 237
 Russian Revolution, 363
 Russo-German Pact of 1939, 433
- S**
- SA, 496–499
 SD, 496–499
 SS, 496–499
 Sabouroff, 249
 Sadowa, Battle of, 206
 Sahm, Dr., 420
 Salic Law, 17
 Salisbury, Lord, 278
 Sand, Karl, 158
 San Francisco, 466
 Sanjak of Novi-Pazar, 249
 San Stefano, Treaty of, 237
 Saracens, 18
 Sarajevo, 309
 Sauckel, Fritz, 496
 Saverne (*see* Zabern)
 Saxe-Weimar, Duke of, 160
 Saxe-Weimar, 154
 Saxons, 18
 Saxony, 106, 131
 Schacht, Hjalmar, 496
 Scheidemann, Philipp, 367, 373
 Schelling, Friedrich von, 143
 Schiller, Friedrich von, 126

- Schirach, Baldur von, 496
 Schlegel, August Wilhelm von, 143
 Schlegel, Friedrich von, 143
 Schleiermacher, Friedrich, 143
 Schleswig, Duchy of, 194, 202
 Schleswig-Holstein, 202-205, 206
 Schlicke, 392
 Schlieffen, Count Alfred von, 290
 Schlieffen Plan, 290, 291-294
 Schmidt, 392
 Schmoller, Gustav von, 358
 Schoen, Baron Wilhelm von, 288-290
 scholasticism, 57
 Schomburg, 420
 Schrötter, 133
 Schrötter II, 133
 Schumann, Robert, 169
 Schwarzenberg, Prince Felix von, 194-196
 sciences, 138; astronomy, 113; mathematics, 112; miracles and the, 84; post-Reformation, 81, 84
 "Scrap of Paper" incident, 331-334
 sea power, 283
 sea trade, 283
 Second Reich (*see* Germany)
 Sedan, Battle of, 219
 Segestes, 5
 Segimer, 5, 7
 Serbia, 238; answer to ultimatum, 319; Austrian ultimatum to, 315-319; Blue Book, 312; national rights violated, 237
 serfdom, 132, 197
 Seven Weeks' War, 205-209
 Seven Years' War, 106
 Sevez, Maj. Gen. F., 483
 Seyss-Inquart, Arthur, 496
 Shuvalov, Count Paul, 256, 258
 Sickness Insurance Law, 244
Sind wir vereint zur guten Stunde, Arndt, 144
 Slavs, 18
 Slovakia, 459
 Smith, Gen. Walter Bedell, 483
 Social Democratic party, 234, 273-276, 373, 386; accused of treason, 368; attempts to destroy, 274; demands upon government, 367; Exceptional Laws against, 274; growth of, 274; laws against, 235
 Socialist movement, 232; Congress at Gotha, 234; growth of, 232; in East Germany, 539; laws against, 234-236; persecution by Bismarck, 244
 social reform, 244-247, 274
 Social Unity party, 539
 Sousloparoff, Ivan, 483
 South Africa, 278
 South African Republic, 278
 Soviet Union (*see* Russia)
 Spa Conference, 396
 Spain, 18, 213
 Spanish Succession, War of the, 99
 Spartacists (*see* Communist party)
 Spartacus Manifesto, 374-376
 Speer, Albert, 496
 Spender, E. Harold, 295
 Spires, Bishop of, 34
 Spires, 29
 Spohr, Louis, 169
 Stalin, Joseph, 466, 484
 state, administration, 138; duties of the, 260
 steel, 570, 571, 572
 Stein, Karl Freiherr vom und zu, 131, 133
 Sternrich, 295
 Stenger, Gen., 343
 Stoecker, Adolf, 192
 Stralsund, Peace of, 49
 Strasbourg, 43
 Strasbourg Oaths, 27
 Streicher, Julius, 496
 Stresemann, Gustav, 397, 401-403, 404-408
 Stuart-Wortley, Col., 294
 students, 156; anti-Austrian, 160; glorification of war, 408-410; organization, 154, 160
 Students' Union, 156
 submarine warfare, 348-356
 Subversion Bill, 274
 Sudan, 288
 Sudeten crisis, 437-439
 Suetonius, 19
 Sweden, 87, 89, 95, 106
 Sybel, Heinrich von, 210-212

Széchenyi, Count Imre, 249
Szogény, Count, 310

T

Tacitus, C. Cornelius, 11
Tangier, 288-290
Tannenberg, Battle of, 421
tariff, protective, 239-241
taxation, 91
Taylor, A. J. P., 60
Testament des Grafen Schlieffen, Das, Groener, 291
Tetzel, Johann, 62
Teutoburg Forest, Battle of, 3-10; German version, 6; Roman version, 4
Teutons, 11, 14
Thayer, Alexander, 169
Third Reich (*see* Germany)
Thirty Years' War, 85-88
Three Emperors' League, 233, 242, 247-250, 256
Tieck, Ludwig, 143
Tilsit, Peace of, 131, 138, 149
Times, New York, 348, 368
Tirpitz, Adm. Alfred von, 495
tolerance, in literature, 120
Torrington, Viscount, 101
towns, rise of, 30
trade, 85, 88-91, 305-309; exchange as, 309; foreign, 309; free (*see* free trade); sea, 283; West German, 603; world, 89
trade unions, 571
travel, 142
treaties, Bismarck's system of, 242-244
Treitschke, Heinrich von, 192, 258-262, 344, 408
Trèves, 43, 45, 48
Trevor-Roper, H. R., 475
Triple Alliance, 250-252, 311
Truman, Harry S., 484
Tschirschky and Bogendorff, Baron von, 287, 310, 327-331
Tunisia, 250
Turkey, 237, 363
Tuscany, Countess of, 32

U

Umsturz Vorlage, 274
unification, 150, 158
United Nations, 576
United States, 360; army in Germany, 461; and German concentration camps, 461; Intelligence report on East German education, 565-568; military government in Germany, 467-475; occupation zone in Germany, 500; peace with Germany, 377; public opinion against Germany, 360
universities, 160, 602
Upper Silesia, 377
"Uriah Letter," 276, 277
U S S R. (*see* Russia)
Utrecht Settlement, 99

V

Valens, Emperor, 14
Vandals, 88
Vandervelde, Emile, 401
Varus, P. Quintilius, 3-10, 142
Vaterlandslied, Arndt, 144
Vatican Council of 1870, 231
Venetia, 205
Verdun, Treaty of, 28
Versailles, Treaty of, 222, 223, 376, 396, 495; composition of, 377; Control Commissions established, 380; extracts from, 378-381; Germans' attitude toward, 363, 377
Vienna, Congress of, 150, 177
Vienna Peace Pact, 203
village, deterioration of the, 279-281
Visigoths, 14
Völkischer Beobachter, 393
Volkstum, 137-143
Vorparlament, 177

W

Wagner, Adolf, 192
Wagner, Richard, 169, 192
war, 261; glorification of, 408-410;

- justification for, 449-456
 war criminals, 495
 Wartburg Castle, 154
 Wartburg Festival, 154-158
Was blasen die Trompeten? Arndt, 144
Was ist des Deutschen Vaterland? Arndt, 144
 Weimar Republic (*see* Germany)
Weltanschauung, Nazi, 429
Wergeld, 17
 Werther, 209
 Wessel, Horst, 416
 Western European Union, 500
 West Germany, "Basic Law," 499; basic rights, 501; Constituent Assembly, 499; Constitution, 500-538; economic recovery, 569-576; economic ties with West, 573; federal administration, 513, 520; federal laws, 520; finances, 526; independence restored, 500; justice administration, 522; legislative powers, 515; Parliament, 508, 511; president, 511; states of, 500, 505
 Westphalia, Peace of, 87, 90, 99
 White Book, Germany, 312-326
Wilhelm Tell, Schiller, 126
 William I, Emperor, 201, 206, 213, 234, 255; message to Napoleon III, 219; proclaimed emperor, 221; proclamation to all Germans, 218; summons to Prussian people, 206-209; throne speech, 217
 William II, Emperor, 256, 263-328; attempts to destroy Social Democrats, 274; bitterness against Bismarck, 265, 276; correspondence with Nicholas II, 284-287; on education, 269; flight and abdication, 369-372; friendly relations with Russia, 284-287; interview in *Daily Telegraph*, 294-300; letter to Francis Joseph, 277; naval ambitions, 281-284; proclamation to Eastern Army, 344; reaction to Serbian reply, 326; support promised to Austria, 310; telegram to Kruger, 278; visit to Tangier, 288-290
 William, Prince, 175
 "Willy-Nicky" correspondence, 284-287
 Wilson, Woodrow, 351, 368, 377
 Wirth, Johann G. A., 172
 Wismar, 45
 Witte, Count Sergei Yulievich, 284
 Wittenberg, University of, 61
 World War I, 259, 279, 309-369, 421; diplomatic "books" published, 311, 312; first battle, 335; mobilization for, 337, reasons for loss of, 292-294; reparations imposed on Germany, 396; war criminals, 495
 World War II, 413, 421; German case in, 449-456; German surrender, 481; war criminals, 495
 Worms, 29, 43
 Worms, Concordat of, 36-38
 Worms, Diet of, 76-78
 Württemberg, 210
- ## Y
- Yalta Conference, 484
 Yalta Declaration, 466, 484
 Yellow Book, France, 311, 312
 Yugoslavia, 459
- ## Z
- Zabern affair, 300-304
 Zetkin, Klara, 373
 Zhukov, Marshal Grigor, 482
 Zimmerman Note, 361
 Zimmermann, Arthur, 310, 360
 Zollverein, 162-168